

MAINE STATE LEGISLATURE

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Report on the Collection and Recycling of Mercury-Added Thermostats

Maine Department of Environmental Protection

17 State House Station
Augusta, Maine 04333-0017

March 2007

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Division of Solid Waste Management
207-287-7703

Report on the Collection and Recycling of Mercury-Added Thermostats
Maine Department of Environmental Protection
March 2007

I. Background

In the spring of 2006 the 122nd Maine Legislature passed *An Act To Protect Maine Families and the Environment by Improving the Collection and Recycling of Mercury Thermostats* (P.L. 2005 Ch. 558) (see Appendix A). The legislation required all manufacturers of mercury thermostats that have been sold in Maine to:

- establish and maintain a collection and recycling program for out-of-service mercury thermostats;
- provide a financial incentive with a minimum value of \$5 for the return of each mercury thermostat to an established collection point. The incentive program will start within three months after the development of a program plan by the Maine Department of Environmental Protection (DEP);
- make collection bins available at authorized sites that sell thermostats and at DEP approved public sites that collect universal or household hazardous waste; and
- beginning in 2008, report annually to the DEP concerning the collection and recycling program.

The legislation requires DEP to develop the manufacturer financial incentive plan in consultation with a stakeholder group. Phase One of the plan addresses the collection of mercury thermostats from plumbing, heating and electrical professionals. Phase Two addresses collection from homeowners. A manufacturer not in compliance within three months of the plan's implementation is prohibited from selling any thermostat within the State.

The DEP is also required to report annually on the collection and recycling program to the legislative committee having jurisdiction over natural resources. This report is the first such report. It summarizes mercury-added thermostat collection efforts through 2006 and outlines the financial incentive plan developed pursuant to the legislation.

II. Historic Mercury Thermostat Collection in Maine

The Thermostat Recycling Corporation (TRC) program, a non-profit recycling program sponsored by Honeywell, General Electric and White-Rodgers, has been in operation in Maine for five years. The collection rate through both TRC and the universal waste collection system is quite low; approximately 6-7% of the estimated total being removed annually. In the spring of 2005 DEP supplied recycling bins to 70 plumbing, heating and electrical wholesalers, mailed information packages out to 11,500 professional licensees in the summer, and surveyed the wholesalers in the late fall to see the

response to the outreach activities. Unfortunately increased wholesaler participation in the TRC program, as required by law, and substantial outreach activities by the DEP to contractors have failed to result in a meaningful increase in the capture rate. Table 1 shows the thermostats collected by the TRC program, the thermostats collected through universal (UW) collection programs, and the estimated overall recycling rate.

Table 1: Number of Thermostats Collected

	2001	2002	2003	2004	2005
TRC Program	233	280	482	1,079	1,290
UW collection	253	856	1398	335	701
Annual Total	486	1136	1880	1414	1991
Estimated number available	27,000	27,000	27,000	27,000	27,000
Recycling Rate	2%	4.2%	7%	5.2%	7.4%

* Numbers for 2006 are not yet available.

III. The Stakeholder Advisory Group Process

DEP organized a series of four stakeholder meetings to develop Phase One of the incentive plan (see Appendix B for a list of stakeholders). The stakeholders included representatives of thermostat manufacturers, plumbing and heating service contractors, heating, ventilation and air conditioning (HVAC) wholesalers, environmental organizations, DEP and the Department of Professional and Financial Regulation, Oil and Propane Licensing Board. The Product Stewardship Institute, a national non-profit organization that advocates a product stewardship approach to solving waste management problems, was also invited and was an active member of the group.

This advisory group provided valuable information, opinions and experience resulting in a program with two distinct components: the structure of the incentive program, and the education and outreach activities necessary to implement the incentive program (see Appendix C for a summary of stakeholder group discussions). DEP circulated a draft plan for review and comment to the stakeholders in mid-December. The plan for Phase One was accepted and signed by the DEP Commissioner on December 28, 2006 (see Appendix D).

For Phase Two, the homeowner incentive program, a new stakeholder group has been formed. It includes all the Phase One stakeholder members except the representative from the Department of Professional and Financial Regulation, as well as representatives of a municipality, a retail business, and the United Parcel Service.

The Phase Two meetings are underway. The goal is to decide the structure of the homeowner program and the necessary education and outreach components. The homeowner program will have similar components to the Phase One contractor program, but may include additional collection options such as mail-in or volunteer

collection at retail locations. DEP expects to have the Phase Two homeowner incentive program ready for implementation by the fall of this year.

IV. Financial Incentive Plan for Technicians

The advisory group ultimately agreed that a coupon for cash would be the most effective incentive for the technician to recycle mercury thermostats. To create a system that encourages participation, is easy to implement and fraud resistant, and that minimizes administrative costs, the advisory group designed the following incentive program parameters:

1. The technician receives 100% of the incentive.
2. The incentive is \$5 per thermostat received.
3. When the technician brings in a thermostat, the wholesaler puts a numbered sticker on the face of the thermostat and gives the technician a \$5 rebate coupon.
4. The rebate coupon has a number corresponding to the sticker number. The manufacturer or manufacturer's agent can contact wholesalers to match submitted rebate coupons to returned thermostats as a check on potential fraud.
5. The technician is responsible for filling out the coupon and mailing it in.
6. The manufacturers are responsible for printing and mailing the stickers/coupons to all wholesalers in the State. (The legislation also requires the manufacturers to pay the bounty, establish and maintain the recycling program and supply the State with data once a year.)
7. The wholesaler is responsible for maintaining the collection bin, applying the sticker to the returned thermostat, disbursing the coupons, requesting additional stickers/coupons when needed, and responding to fraud inquiries from the manufacturers.
8. The DEP supplied a list of wholesalers to the manufacturers and works with the manufacturers and others on education and outreach.
9. DEP has primary enforcement discretion and will be periodically visiting the wholesalers to check on compliance.

In addition to these incentive plan parameters, the advisory group also delineated two major topics and the target audiences for education and outreach about the program. The educational messages include how Maine's incentive program for recycling mercury thermostats works, and the advantages of using Energy Star thermostats. Specific content needs to be tailored differently depending on the audience: the public, technicians, contractors, wholesalers, and manufacturers.

The State Oil and Solid Fuel Board was identified as an extremely important link to technicians through its licensing regulations. The advisory group recommended that this board incorporate the statutory requirement to recycle mercury thermostats in its upcoming rule revisions (adherence to the rules is important for technicians in retaining their individual license). The advisory group thought this was the most important action

to take to increase mercury thermostat returns. (See Appendix E for a more complete discussion of the education and outreach plan being implemented by Maine DEP, the manufacturers, wholesalers and contractors.)

V. Identification of Impacted Manufacturers

DEP staff worked on identifying and locating the mercury thermostat manufacturers at the same time as the Phase One stakeholder meetings. Starting with a list of one hundred fifty manufacturers, DEP identified sixty-five companies that potentially might be impacted by the law. DEP sent a letter to those companies explaining the law, the manufacturer's responsibilities and options for compliance (see Appendix F). A questionnaire was included so DEP could confirm which companies actually had manufactured or brand labeled (and potentially still were manufacturing and/or brand-labeling) mercury-added thermostats. The present TRC members, Honeywell, White-Rodgers and General Electric account for approximately 97% of mercury thermostats previously sold nationally, so DEP sought to identify the companies responsible for the residual 3% of mercury thermostats that may be collected. From the returned questionnaires DEP narrowed the list of impacted manufacturers to less than twenty (see Appendix G).

Since that time the DEP has communicated extensively with each company to make sure they understand the framework of the program and their obligations. In January DEP sent each identified company the *Manufacturer Financial Incentive Plan for the Collection of Mercury-Added Thermostats from Contractors and Service Technicians* (the Plan). The Plan not only explained the mechanics of the incentive program, but delineated responsibilities and interim deadlines for all parties.

The State cannot require that an impacted manufacturer join the already existing Thermostat Recycling Corporation (TRC). Several companies requested ideas on other options since they determined that joining TRC is not financially prudent or viable given the number of their mercury thermostats that might be recovered. DEP responded with two options for a second parallel system. DEP informed manufacturers that it would not impose more than two collection systems on the wholesalers and other entities that acted as collection sites.

VI. Conclusions

The Phase One program is due to start April 1, 2007. Fortunately, the infrastructure is already basically in place; the seventy wholesale distributors around the State have had TRC bins since early 2005 and are currently recycling mercury thermostats. DEP staff will visit each of the wholesalers within the next few months to go over the program changes. It is too early to tell if the incentive will be adequate to substantially increase the recycling rate, although feedback from the contractors has been extremely positive.

The DEP recommends that the statute remain unchanged at this time. The Manufacturer Financial Incentive Plans and associated education and outreach activities are at various points of development and implementation; we need to allow time for the program to be fully implemented and then assess the efficacy of it. Additionally, at least seven other states have developed similar thermostat legislation, using Maine's legislation as a foundation model. Maine once again has gained national recognition for being a leader in mercury issues and product stewardship.

Appendix A

P.L. 2005 CHAPTER 558

S.P. 709 - L.D. 1792

An Act To Protect Maine Families and the Environment by Improving the Collection and Recycling of Mercury Thermostats

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

Sec. 1. 38 MRSA §1665-B is enacted to read:

§1665-B. Mercury-added thermostats

1. Definition. For purposes of this section, "mercury-added thermostat" means a mercury-added thermostat as defined in section 1661-C, subsection 5.

2. Manufacturer responsibility. Each manufacturer of mercury-added thermostats that have been sold in this State shall, individually or collectively:

A. Establish and maintain a collection and recycling program for out-of-service mercury-added thermostats. The collection and recycling program must be designed and implemented to ensure that:

(1) A maximum rate of collection of mercury-added thermostats is achieved;

(2) Handling and recycling of mercury-added thermostats are accomplished in a manner that is consistent with section 1663, with other provisions of this chapter and with the universal waste rules adopted by the board pursuant to section 1319-O;

(3) Authorized bins for mercury-added thermostat collection are made available at all heating, ventilation and air conditioning supply, electrical supply and plumbing supply distributor locations that sell thermostats; and

(4) By January 1, 2007, authorized bins for mercury-added thermostat collection are made available to municipalities and regions requesting bins for mercury-added thermostat collection at universal waste collection sites or at periodic household hazardous waste collection events, as long as the collection sites or events are approved by the department for mercury-added thermostat collections;

B. Work cooperatively with the department and others in accordance with subsection 4 to establish appropriate systems in order to implement the plan developed pursuant to subsection 4;

C. Within 3 months after the department develops phase one of the plan required by subsection 4, implement phase one of the plan;

D. Within 3 months after the department develops phase 2 of the plan required by subsection 4, implement phase 2 of the plan;

E. Within 3 months after the department develops phase one of the plan required by subsection 4, provide a financial incentive with a minimum value of \$5 for the return of each mercury-added thermostat by a contractor or service technician to an established recycling collection point;

F. Within 3 months after the department develops phase 2 of the plan required by subsection 4, provide a financial incentive with a minimum value of \$5 for the return of each mercury-added thermostat by a homeowner to an established recycling collection point; and

G. Beginning in 2008, submit an annual report to the department by January 30th of each year that includes at a minimum:

(1) The number of mercury-added thermostats collected and recycled by that manufacturer pursuant to this section during the previous calendar year;

(2) The estimated total amount of mercury contained in the thermostat components collected by that manufacturer pursuant to this section;

(3) An evaluation of the effectiveness of the manufacturer's collection and recycling program and the financial incentive provided pursuant to paragraphs E and F; and

(4) An accounting of the administrative costs incurred in the course of administering the collection and recycling program and the financial incentive plan developed pursuant to subsection 4.

3. Sales prohibition. Within 3 months after phase 2 of the plan required by subsection 4 has been developed, the following sales prohibitions apply to manufacturers, wholesalers and retailers of thermostats:

A. A manufacturer not in compliance with this section is prohibited from offering any thermostat for sale in the State. A manufacturer not in compliance with this section shall provide the necessary support to retailers to ensure the manufacturer's thermostats are not offered for sale in this State; and

B. A wholesaler or retailer may not offer for sale in this State any thermostat of a manufacturer that is not in compliance with this section.

4. Financial incentive plan. The department shall develop a manufacturer financial incentive plan in 2 phases. By January 1, 2007, the department shall develop phase one of the plan, which must address collection of mercury-added thermostats from contractors and service technicians. By August 1, 2007, the department shall develop phase 2 of the plan, which must address collection of mercury-added thermostats from homeowners. The plan must be developed in consultation with a stakeholder group that includes representatives from the thermostat industry, environmental groups, thermostat wholesalers and service contractors. The plan must be developed in a manner that ensures to the maximum extent practical that:

A. The capture rate of out-of-service mercury-added thermostats is maximized;

B. Adequate incentives and education are provided to contractors, service technicians and homeowners to encourage

return of thermostats to established recycling collection points;

C. Administrative costs of the plan are minimized;

D. The plan encourages the purchase of nonmercury thermostats qualified by the United States Environmental Protection Agency's Energy Star program as replacements for mercury-added thermostats; and

E. Mechanisms are in place to protect against the fraudulent return of thermostats.

The plan must include a requirement that manufacturers provide a financial incentive with a minimum value of \$5 for the return of each mercury-added thermostat to an established recycling collection point in accordance with subsection 2, paragraphs E and F. The financial incentive may include, without limitation, cash, rebates, discounts, coupons or other incentives.

5. Goals. The goal of the collection and recycling efforts under this section is to collect and recycle at least 125 pounds of mercury per year from mercury-added thermostats within 2 years after the development of phase one of the plan required by subsection 4 and at least 160 pounds of mercury per year within 3 years after the development of phase 2 of the plan required by subsection 4.

6. Report. By March 15, 2007 and annually thereafter, the department shall submit a report on the collection and recycling of mercury-added thermostats in the State to the joint standing committee of the Legislature having jurisdiction over natural resources matters. The report due in 2007 must include a description and discussion of the financial incentive plan established under this section and recommendations for any statutory changes concerning the collection and recycling of mercury-added thermostats. Subsequent reports must include an evaluation of the effectiveness of the thermostat collection and recycling programs established under this section, information on actual collection rates and recommendations for any statutory changes concerning the collection and recycling of mercury-added thermostats.

Sec. 2. Authority to report legislation. The joint standing committee of the Legislature having jurisdiction over natural resources matters may report out legislation to the First Regular Session of the 123rd Legislature in connection with the report required pursuant to the Maine Revised Statutes, Title 38, section 1665-B, subsection 6.

Appendix B

Participants in Stakeholder Process to Develop the *Manufacturer Financial Incentive Plan for the Collection of Mercury-Added Thermostats from Contractors and Service Technicians*

Mr. Mark Kohorst,
National Electrical Manufacturers Association
1300 North 17th Street Suite 1752
Rosslyn, Virginia 22209

Mr. Scott Cassel, Executive Director
Product Stewardship Institute, Inc.
137 Newbury Street, 7th Floor
Boston, MA 02116

Dan O'Donnell
Honeywell
101 Columbia Road
SOL-G
Morristown, NJ. 07962

Ms. Leslie Anderson
Dead River Company
55 Broadway
P.O. Box 1427
Bangor, Me. 04402

Carole Cifrino
Maine DEP
17 State House Station
Augusta, ME 04333

Mr. Matt Prindeville
Natural Resources Council of Maine
3 Wade St.
Augusta, ME 04330

Paula Clark, Director
Division of Solid Waste
Maine DEP
17 State House Station
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Ann Pistell
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Mr. David Lennett, Consultant
P.O. Box 71
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2184 North Belfast Ave.
Augusta, ME. 04330r.

Mr. Paul Moody
Office of Licensing and Registration
35 State House Station
Augusta, ME 04333

Appendix C

Summary of Phase One Stakeholder Advisory Group Discussions

The first Phase One stakeholder meeting was spent learning about the HVAC wholesale business and the Honeywell 'Contractor Points Program' and discussing the structures of thermostat incentive pilots projects in other states. This meeting provided important background so that everyone was working from a common base of knowledge. During the second meeting the stakeholder group defined the criteria for a successful thermostat recycling program. There was concurrence that the incentive program should:

- Encourage participation;
- Be easy to implement;
- Be fraud resistant; and
- Minimize administrative costs.

Next the group looked at how the program might work. Four possible scenarios were identified.

- Cash in hand for the technician bringing in a mercury thermostat. The cash incentive would not be tied to a purchase of a new thermostat.
- A mail in rebate coupon that would be valid only when accompanied by the purchase slip for a new Energy Star thermostat.
- A redeemable punch card or a coupon for the technician that would not be tied to an Energy Star purchase. A 'full' card or coupon would be mailed in for a check.
- The Contractors Points Program which would provide a discount on future purchases, similar to a 'Frequent Flyer' program.

After much discussion, the group eliminated the direct cash incentive as an option. The reasons included the fact that the wholesalers would need to front the cash, and they are not a cash business. Most transactions are done on credit. Cash also did not include the checks and balances to prevent fraud. The Contractor Points program was also not highly rated because very few Maine contractors participate now and not all manufacturers have a Points program. It requires bookkeeping and would necessitate an enormous educational campaign.

The manufacturer representatives preferred a rebate program because rebates would be tied to new sales. The rebate program would require the technician bringing in a thermostat to receive a rebate coupon off the purchase of a new product. S/he would give the coupon to his employer. When the employer purchases a new product, he must save the receipt. The rebate coupon and the receipt are redeemed by mailing both to the manufacturer or third party administrator, who then mails the contractor company a check.

National market studies show about 25% of rebate coupons are actually sent in after the purchase of a new product.

Potential advantages of a rebate program include;

1. there may be less fraud;
2. it may drive a purchase of an Energy Star thermostat if set up that way;
3. it could drive awareness of need to recycle; and
4. new sales could help offset the costs associated with recycling returned thermostats.

The rebate program could benefit the HVAC company and/or wholesaler because of the potential discount on new purchases. There would be no benefit or incentive for the technician though, unless the employer wanted to institute an internal reward program.

The HVAC company representatives did not think a rebate coupon for their companies was a needed incentive. There was general concurrence that the collection rates would be maximized if the incentive goes directly to the technician. Also, any rebate for the HVAC company would require tracking, may have to be reported as income (over \$500) and would be taxable, therefore significantly lessening its value. After much discussion, it was agreed that the technician should receive the incentive and it would not be tied to the purchase of an Energy Star thermostat.

The group ultimately rejected a rebate coupon for new purchases for two reasons: It was too complicated (requiring at least seven different steps) to receive the rebate and it would not benefit the technician, who ultimately is the person making the decision to recycle the thermostat or throw it in the trash.

The punch card or coupons for cash was thought to be a better motivator to encourage technicians to recycle thermostats because it was not tied to a new purchase. During the third meeting the advisory group designed the incentive program parameters.

- The technician receives 100% of the incentive.
- The incentive is \$5 per thermostat received.
- When the technician brings in a thermostat, the wholesaler puts a numbered sticker on the face of the thermostat and gives the technician a \$5 rebate coupon.
- The rebate coupon has a number corresponding to the sticker number. The manufacturer or manufacturer's agent can contact wholesalers to match submitted rebate coupons to returned thermostats as a check on potential fraud.
- The technician is responsible for filling out the coupon and mailing it in.
- The manufacturers are responsible for printing and mailing the stickers/coupons to all wholesalers in the State. (The legislation also requires the manufacturers to pay the bounty, establish and maintain the recycling program and supply the State with data once a year.)
- The wholesaler is responsible for maintaining the collection bin, applying the sticker to the returned thermostat, disbursing the coupons, requesting additional stickers/coupons when needed, and responding to fraud inquiries from the manufacturers.

- The DEP supplied a list of wholesalers to the manufacturers and works with the manufacturers and others on education and outreach.
- DEP has primary enforcement discretion and will be periodically visiting the wholesalers to check on compliance.

Appendix D

Manufacturer Financial Incentive Plan for the Collection of Mercury-Added Thermostats from Contractors and Service Technicians December 2006

Pursuant to Public Law Chapter 558, *An Act To Protect Maine Families and the Environment by Improving the Collection and Recycling of Mercury Thermostats* (Appendix A), the Maine Department of Environmental Protection (DEP) developed this plan for the recycling of mercury-added thermostats collected by contractors and service technicians in Maine.

This plan was developed with the help of a stakeholder group that included representatives of thermostat manufacturers, a wholesaler, two contractors, two environmental organizations, the Department of Financial and Professional Regulation, and the DEP (Appendix B).

Technician removes mercury thermostat → transports thermostat to wholesaler or contractor bin → Wholesaler/contractor receives thermostat from technician, takes sticker from incentive coupon and places on thermostat and deposits in bin, and gives incentive coupon to technician → Technician fills out and mails in coupon(s) to third party administrator → Administrator mails check to technician.

Following is a list of tasks and dates necessary to implement Phase I, the contractor incentive program required by the legislation. This plan also notes general time frames concerning Phase 2, the homeowner incentive program. Other than the dates set in statute for implementation of Phase 1 and Phase 2 of the financial incentive program, all dates are goals set to ensure that the statutory deadlines can be met.

1. Manufacturers shall:

- A. provide collection bins as needed to municipal and regional public sites by January 1, 2007. The allocation of bins to municipal and regional sites will be done in phases, starting with a limited number of sites. As collection experience is evaluated, additional sites will be provided with bins as deemed appropriate by the DEP;
- B. contract with third-party administrator by February 1, 2007, and provide DEP with contact information;
- C. develop and submit contractor incentive program information plan and materials to DEP for approval by February 15, 2007;
- D. brief their sales forces on the program plan by February 28, 2007;
- E. distribute stickers, coupons and contractor program participation instructions to all wholesalers and contractors with bins no later than March 15, 2007;
- F. fully implement the contractor incentive program by April 1, 2007;
- G. develop and implement plan for continuing wholesaler and contractor education in conjunction with DEP and third party administrator by June 30, 2007;
- H. meet with homeowner program stakeholders, plan and finalize the homeowner incentive program. February – July 2007;
- I. fully implement the homeowner incentive program by November 1, 2007; and
- J. beginning January 30, 2008, submit an annual progress report to DEP.

2. Wholesalers shall:
 - A. maintain the recycling bins in adherence to program guidelines;
 - B. provide program information from the manufacturers to contractors and technicians by March 15, 2007, and on an ongoing basis thereafter;
 - C. affix stickers to incoming mercury thermostats;
 - D. provide an incentive coupon(s) to the technician who drops off a mercury thermostat(s);
 - E. request additional stickers and coupons when needed; and
 - F. uphold any brand sales prohibition if notified by DEP that the manufacturer is not in compliance with the incentive program.

3. Contractors shall:
 - A. provide information about the incentive program to their technicians; and
 - B. include mercury thermostat recycling in company policy and training.

If a contractor has his own bin, he shall also:

- B. maintain the recycling bins in adherence to program guidelines;
- C. affix stickers to incoming mercury thermostats;
- D. provide a incentive coupon(s) to the technician dropping off a mercury thermostat; and
- E. request additional stickers and coupons when needed.

4. Technicians shall:
 - A. deliver mercury thermostats removed from service to a wholesaler or contractor recycling bin; and
 - B. submit incentive coupons according to program guidelines to receive cash incentive.

5. Maine DEP shall:
 - A. provide notice of incentive program requirement to manufacturers and request status by December 1, 2006;
 - B. Identify Tier 1 HHW sites and provide the TRC forms to those facilities by January 1, 2007;
 - C. finalize manufacturer list by January 8, 2007, and request manufacturer plans for compliance with the requirements. (The plan must be submitted to DEP by February 1, 2007. See manufacturer responsibilities above.);
 - D. participate in Department of Professional and Financial Regulation rulemaking process when appropriate;
 - E. notify and work with trade organizations, contractors and wholesalers during winter 2006-07 (notice to include law and incentive program structure);
 - F. evaluate manufacturer plans and materials and notify manufacturers of evaluation results by March 1, 2007;
 - G. identify non-participating manufacturers and take appropriate action by February 15, 2007;
 - H. provide incentive program information to wholesalers on or about March 1, 2007, after manufacturer programs are established;

- I. submit thermostat recycling report to Maine Legislature by March 15, 2007, and annually thereafter;
- J. convene homeowner stakeholder group to develop homeowner incentive program by February 2007;
- K. develop ongoing outreach program with manufacturers and Oil/Solid Fuel Board and Maine Oil Dealers Association by June 30, 2007;
- L. oversee implementation of homeowner incentive program by November 1, 2007.

Pursuant to the requirements of Title 38, §1665-B.4, this *Manufacturer Financial Incentive Plan for the Collection of Mercury-Added Thermostats from Contractors and Service Technicians* has been developed and approved by the Maine Department of Environmental Protection.

David P. Littell, Commissioner

Date

This plan was signed on December 28, 2006 by Deborah N. Garrett, Deputy Commissioner, for David P. Littell, and distributed by letter dated January 17, 2007 to all manufacturers to whom 38 MRSA 1665-B applies.

Appendix E

Education and Outreach (E&O) for the Phase One Incentive Program

The stakeholder group identified two important educational messages: how Maine's incentive program for recycling mercury thermostats works, and the advantages of using Energy Star thermostats. Each of the two messages needs to be tailored differently depending on the audience: the public, technicians, contractors, wholesalers, and manufacturers.

The advisory group agreed that the DEP would coordinate the Energy Star message for the public with public E&O activities of the Public Utilities Commission and the Governor's Energy Office. This may include approaching companies such as Dead River and R.J. Energy to include the information in bill stuffers. DEP also has the responsibility of working with the manufacturers to institute the incentive program.

Activities and materials to educate technicians, contractors, and HVAC wholesalers on their responsibilities in the incentive program were discussed by the advisory group for each of the target audiences.

Wholesalers: need the coupons, program participation information, posters and handouts. These will be provided by the manufacturers. DEP and the manufacturers will work with the trade associations to further publicize the incentive program. DEP may contact the wholesale corporate headquarters and will provide information to them if needed.

Contractors (companies employing technicians) typically receive information through their wholesaler, trade association and the State Oil and Solid Fuel Board. DEP and the manufacturers will provide the information to these entities through trade journals and direct mail. If contractors want to provide bill stuffers with information about Energy Star thermostats to their customers, DEP will work with the Public Utilities Commission and the Governor's Energy Office to provide a consistent message.

Technicians typically receive information through their employer, wholesaler, trade association such as Maine Oil Dealers Association (MODA) and the State Oil and Solid Fuel Board. The DEP and manufacturers will work with these entities to provide program information to the technicians. The information will include how to participate in the bounty program, a list of collection sites, a brief description of the law and the technician's responsibilities, and why it is important to recycle mercury thermostats. The message will be provided through posters, flyers, articles in trade publications and speaking engagements.

An extremely important link to technicians is through the State Oil and Solid Fuel Board. The group has recommended that the State Oil and Solid Fuel Board incorporate the legal requirement to recycle mercury thermostats in their upcoming rule changes. Adherence to the rules is very important to technicians in order to retain their license. The group thought this was the most important action to take to increase mercury thermostat returns.

Appendix F

November 28, 2006

Subject: New Regulatory Requirements

Dear Sir or Madam:

We are contacting you because your company manufactures or distributes HVAC or electrical equipment. If you would answer and return the enclosed few questions it would help us to determine whether the law referenced below pertains to your company.

This year the 122nd Maine Legislature passed *An Act To Protect Maine Families and the Environment by Improving the Collection and Recycling of Mercury Thermostats*. (P.L. Ch. 558) (copy enclosed.) The legislation requires all manufacturers of mercury-added thermostats that have been sold in Maine to participate in a collection and recycling incentive program. For the purposes of the legislation, the definition of mercury-added thermostat is limited to those used to sense and control room temperature in buildings through communication with HVAC equipment (i.e. a typical wall thermostat). It does not include a thermostat used to sense and control temperature as part of a manufacturing process or as an internal component of a larger piece of equipment.

Those companies that made and/or sold mercury-added thermostats under their brand name that choose not to participate in the collection and recycling incentive program will be prohibited from selling any thermostat in the State of Maine and may be subject to enforcement action by the department.

Please return the enclosed questionnaire by December 15th so that we may determine if the law pertains to your company and, if so, send you additional information concerning options for participation in the required incentive program. If you do not respond, we will assume the law does apply to your company. Should you have questions or concerns I can be reached at (207) 287-7703 or by e-mail at ann.e.pistell@maine.gov . Thank you for your cooperation.

Sincerely,

Ann Pistell
Bureau of Waste Remediation and Management
Me Department of Environmental Protection

Thermostat Questionnaire

CompanyName: _____

Company Mailing
Address: _____

Company Contact: _____
Name Phone

Contact's email
address: _____

Please Answer the Questions Below.

1. Did your company ever manufacture and/or sell under the company's brand name mercury-added thermostats? **Yes** **No**

2. If you answered "Yes" to question 1, when did your company last manufacture and/or sell under its brand name mercury-added thermostats? (Please circle most appropriate answer.)

Still making/selling them 1-10 years ago 10-20 years ago More than 20 years ago

3. Does your company presently manufacture and/or sell under the company's brand name any type of room thermostat? **Yes** **No**

4. If you answered "Yes" to question 3, and your company is a manufacturer, please list below the brand names that appear on the thermostats. (attach additional sheet if necessary)

Thank you for your participation.

Please fax or use the enclosed envelope to return this survey

The Maine Department of Environmental Protection
Atten: Ann Pistell
17 State House Station
Augusta, Maine 04333
Fax: (207) 287-7826

Appendix G

List of Mercury Thermostat Manufacturers

Company	Address	City	State	Zip
1. American Standard Inc./ Trane	One Centennial Ave., P.O. Box 6820	Piscataway	NJ	08855- 6820
2. Bard Manufacturing Co.	1914 Randolph Drive, P.O. Box 607	Bryan	OH	43506
3. Heat Controller Inc.	1900 Wellworth Ave.	Jackson	MI	49203
4. Invensys Controls	PO Box 11587	Richmond	VA	23230- 1587
5. ITT General Controls,	Legal, 4 West Red Oak Lane	White Plains	NY	10604
6. York Johnson Controls, Inc.	Unitary Products PO Box 1592	York	PA	17402
7. Lennox International Inc.	2140 Lake Park Blvd.	Richardson	TX	75080- 2254
8. Liebert Corporation	1050 Dearborn Drive	Columbus	OH	43085
9. Lux Products Corp.	6000 Commerce Pkwy. Suite 1	Mt. Laurel	NJ	08054
10. Nordyne Inc.	PO Box 8809, 8000 Phoenix Parkway	O'Fallon	MO	63368
11. PSG Controls Inc.	1225 Tunnel Road	Perkasie	PA	18944
12. Rheem	PO Box 17010	Fort Smith	AR	72917- 7010
13. Sears, Roebuck and Co.	3333 Beverly Rd.	Hoffman Estates	IL	60179
14. T.P.I. Corporation	PO Box 4973	Johnson City	TN	37602
15. Carrier Corp.	One Carrier Pl	Farmington	CT	06034
16. Honeywell International	101 Columbia Road, Solvay-G	Morristown	NJ	07962- 1057
17. White Rodgers	PO Box 36922	St. Louis	MO	63136
18. General Electric Systems	709 West Wall Street	Morrison	IL	61270