



Substitute Senate Bill No. 350

Public Act No. 12-54

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

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

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

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

(3) "Mercury thermostat" means any thermostat intended for installation in a residential, commercial or industrial building that uses a mercury switch to sense and control room temperature through communication with heating, ventilating or air conditioning equipment. "Mercury thermostat" does not include any thermostat used to sense and control temperature as part of a manufacturing process;

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

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

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

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

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

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one or more collection containers a one-time program administration fee of not greater than seventy-five dollars; (5) for the period of April 1, 2013, to April 1, 2016, inclusive, conduct educational and outreach efforts concerning such mercury thermostat collection and recycling program, including, but not limited to: (A) Promoting the availability of collection containers to wholesalers, retailers, qualified contractors and municipalities in the state; (B) educating contractors and homeowners on (i) the importance of properly managing out-of-service mercury thermostats, (ii) the opportunities for the collection and recycling of such thermostats, and (iii) the availability of manufacturer mercury thermostat collection and recycling programs; (C) providing signs to participating collection sites to prominently post information for contractors and consumers concerning the collection and recycling of out-of-service mercury thermostats; and (D) supplying written materials, for reproduction by participating wholesalers and retailers, that may be provided to customers at the time of purchase or delivery of a thermostat and that include information on the importance of properly managing out-of-service mercury thermostats and the opportunities for the collection and recycling of such thermostats; and (6) beginning April 1, 2014, and annually thereafter, submit a report to the Department of Energy and Environmental Protection that includes the following information: (A) The number of mercury thermostats collected and recycled by such manufacturer pursuant to such mercury thermostat collection and recycling program during the previous calendar year; (B) a self-evaluation of the effectiveness of such manufacturer's mercury thermostat collection and recycling program that is certified to be substantially accurate by a competent third party who is acceptable to the commissioner; (C) an accounting of the administrative costs incurred by such manufacturer in the course of administering such mercury thermostat collection and recycling program during the previous calendar year; and (D) a list of wholesalers, retailers, qualified contractors and municipalities that requested collection

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containers from such manufacturer during the previous calendar year.

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

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

(e) On and after July 1, 2014, no person shall dispose of a mercury thermostat in the commercial or municipal waste stream or in any manner other than the recycling of such mercury thermostat or the disposing of such mercury thermostat as hazardous waste. On and after July 1, 2014: (1) Any contractor who replaces a mercury thermostat from a building shall recycle such mercury thermostat or deliver such mercury thermostat to a wholesaler, retailer or municipality that participates as a collection site for the collection and

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recycling of such mercury thermostats; (2) any contractor who demolishes a building shall remove all mercury thermostats from such building prior to demolition and shall recycle such mercury thermostats or deliver such mercury thermostats to a wholesaler, retailer, qualified contractor or municipality that participates as a collection site for the collection and recycling of such mercury thermostats; and (3) any person who replaces a mercury thermostat from any location in this state that is a part of any energy efficiency or weatherization program supported or administered, in whole or in part, by any department, agency, instrumentality or political subdivision of the state, or conducted as a result of any statutory requirement shall deliver such mercury thermostat to any wholesaler, retailer, qualified contractor or municipality that participates as a collection site for the recycling of such mercury thermostats. The Department of Energy and Environmental Protection may enforce the provisions of this subsection.

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

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

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recommendations concerning the repeal of such programs.

(g) Nothing in this section shall be construed to require the participation of any municipality in any manufacturer's mercury thermostat collection and recycling program.

(h) No owner or operator of any solid waste disposal facility shall be found to be in violation of the provisions of this section, provided such owner or operator: (1) Makes a good-faith and consistent effort to comply with the provisions of this section; (2) posts, in a conspicuous location at such facility, a sign stating that mercury thermostats are not accepted at such facility; and (3) notifies, in writing, all collectors registered to deposit solid waste at such facility that mercury thermostats are not accepted at such facility.