

RCW 70A.505.020 Definitions. (Effective until January 1, 2035.)

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Brand" means a name, symbol, word, or mark that identifies a product, rather than its components, and attributes the product to the owner of the brand as the producer.

(2) "Collection" or "collect" means, except for persons involved in mail-back programs:

(a) The activity of accumulating any amount of mercury-containing lights at a location other than the location where the lights are used by covered entities, and includes curbside collection activities, household hazardous waste facilities, and other registered drop-off locations; and

(b) The activity of transporting mercury-containing lights in the state, where the transporter is not a generator of unwanted mercury-containing lights, to a location for purposes of accumulation.

(3) "Covered entities" means:

(a) A household generator or other person who purchases mercury-containing lights at retail and delivers no more than the following amounts of mercury-containing lights to registered collectors for a product stewardship program on any given day:

(i) An unlimited number of compact fluorescent lamps, as defined in RCW 70A.230.020, that are mercury-containing lights under this chapter and that feature a screw base;

(ii) 15 pin-based compact or linear fluorescent lamps, as defined in RCW 70A.230.020, that are mercury-containing lights under this chapter; and

(iii) Two high-intensity discharge lamps that are mercury-containing lights under this chapter; and

(b) A household generator or other person who purchases mercury-containing lights at retail and utilizes a registered residential curbside collection program or a mail-back program for collection of mercury-containing lights and discards no more than 15 mercury-containing lights into those programs on any given day.

(4) "Department" means the department of ecology.

(5) "Environmental handling charge" or "charge" means the charge approved by the department to be applied to each mercury-containing light to be sold at retail in or into Washington state until December 31, 2028. The environmental handling charge must cover current administrative and operational costs associated with the product stewardship program, including the fee for the department's administration and enforcement.

(6) "Final disposition" means the point beyond which no further processing takes place and materials from mercury-containing lights have been transformed for direct use as a feedstock in producing new products, or disposed of or managed in permitted facilities.

(7) "Hazardous substances" or "hazardous materials" means those substances or materials identified by rules adopted under chapter 70A.300 RCW.

(8) "Legacy producer" means a producer that was required to participate in the product stewardship program established by this chapter at any point in time between January 1, 2015, and December 31, 2028.

(9) "Mail-back program" means the use of a prepaid postage container, with mercury vapor barrier packaging that is used for the collection and recycling of mercury-containing lights from covered

entities as part of a product stewardship program and is transported by the United States postal service or a common carrier.

(10) "Market share" means the percentage of mercury-containing lights that were products for which a producer had an obligation to participate in the program created in this chapter at any point in time between January 1, 2015, and December 31, 2028, by units sold during that period of time, as determined by the stewardship organization in RCW 70A.505.050.

(11) "Mercury-containing lights" means lamps, bulbs, tubes, or other devices that contain mercury and provide functional illumination in homes, businesses, and outdoor stationary fixtures.

(12) "Mercury vapor barrier packaging" means sealable containers that are specifically designed for the storage, handling, and transport of mercury-containing lights in order to prevent the escape of mercury into the environment by volatilization or any other means, and that meet the requirements for transporting by the United States postal service or a common carrier.

(13) "Orphan product" means a mercury-containing light that lacks a producer's brand, or for which the producer is no longer in business and has no successor in interest, or that bears a brand for which the department cannot identify an owner.

(14) "Person" means a sole proprietorship, partnership, corporation, nonprofit corporation or organization, limited liability company, firm, association, cooperative, or other legal entity located within or outside Washington state.

(15) "Processing" means recovering materials from unwanted products for use as feedstock in new products.

(16) "Producer" means a person that:

(a) Has or had legal ownership of the brand, brand name, or cobrand of a mercury-containing light sold in or into Washington state, unless the brand owner is a retailer whose mercury-containing light was supplied by another producer participating in a stewardship program under this chapter;

(b) Imports or has imported mercury-containing lights branded by a producer that meets the requirements of (a) of this subsection and where that producer has no physical presence in the United States;

(c) If (a) and (b) of this subsection do not apply, makes or made a mercury-containing light that is sold or has been sold in or into Washington state; or

(d) (i) Sells or sold at wholesale or retail a mercury-containing light; (ii) does not have legal ownership of the brand; and (iii) elects to fulfill the responsibilities of the producer for that product.

(17) "Product stewardship" means a requirement for a producer of mercury-containing lights to manage and reduce adverse safety, health, and environmental impacts of the product throughout its life cycle, including financing and providing for the collection, transporting, reusing, recycling, processing, and final disposition of their products.

(18) "Product stewardship plan" or "plan" means a detailed plan describing the manner in which a product stewardship program will be implemented.

(19) "Product stewardship program" or "program" means the methods, systems, and services financed in the manner provided for under RCW 70A.505.050 and provided by producers or legacy producers of mercury-containing lights generated by covered entities that addresses product stewardship and includes arranging for the collection,

transportation, recycling, processing, and final disposition of unwanted mercury-containing lights, including orphan products.

(20) "Recovery" means the collection and transportation of unwanted mercury-containing lights under this chapter.

(21)(a) "Recycling" means transforming or remanufacturing unwanted products into usable or marketable materials for use other than landfill disposal or incineration.

(b) "Recycling" does not include energy recovery or energy generation by means of combusting unwanted products with or without other waste.

(22) "Reporting period" means the period commencing January 1st and ending December 31st in the same calendar year.

(23) "Residuals" means nonrecyclable materials left over from processing an unwanted product.

(24) "Retailer" means a person who offers mercury-containing lights for sale at retail through any means including, but not limited to, remote offerings such as sales outlets, catalogs, or the internet, but does not include a sale that is a wholesale transaction with a distributor or a retailer.

(25)(a) "Reuse" means a change in ownership of a mercury-containing light or its components, parts, packaging, or shipping materials for use in the same manner and purpose for which it was originally purchased, or for use again, as in shipping materials, by the generator of the shipping materials.

(b) "Reuse" does not include dismantling of products for the purpose of recycling.

(26) "Stakeholder" means a person who may have an interest in or be affected by a product stewardship program.

(27) "Stewardship organization" means an organization designated by a producer, legacy producer, or group of producers or legacy producers to act as an agent on behalf of each producer or legacy producer to operate a product stewardship program.

(28) "Unwanted product" means a mercury-containing light no longer wanted by its owner or that has been abandoned, discarded, or is intended to be discarded by its owner. [2024 c 339 s 4; 2020 c 20 s 1414. Prior: 2014 c 119 s 2; prior: 2010 c 130 s 2. Formerly RCW 70.275.020.]

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

Finding—Intent—2024 c 339: See note following RCW 70A.505.010.

Finding—2014 c 119: "The legislature finds that additional flexibility is needed for mercury-containing light manufacturers to comply with the requirements of chapter 70.275 RCW in order to provide a sustainable funding mechanism and provide effective state protections to producer-operated product stewardship programs under chapter 70.275 RCW." [2014 c 119 s 1.]