

HOUSE BILL REPORT

HB 1799

As Reported by House Committee On:
Environmental Health
Ways & Means

Title: An act relating to mercury reduction.

Brief Description: Reducing the release of mercury into the environment.

Sponsors: Representatives Campbell, Pettigrew, Moeller, Chase and Wood.

Brief History:

Committee Activity:

Environmental Health: 2/4/09, 2/19/09 [DP];

Ways & Means: 3/2/09 [DPS].

Brief Summary of Substitute Bill

- Requires that mercury-added lights be recycled by mid-2011.
- Prohibits the sale of bulk mercury by June 30, 2011.
- Directs the Department of Ecology to research and recommend implementation and financing methods for recycling of mercury-added general purpose lights by December 1, 2009.

HOUSE COMMITTEE ON ENVIRONMENTAL HEALTH

Majority Report: Do pass. Signed by 9 members: Representatives Campbell, Chair; Chase, Vice Chair; Shea, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Dickerson, Dunshee, Hudgins, Kretz and Rolfes.

Minority Report: Do not pass. Signed by 1 member: Representative Finn.

Staff: Pam Madson (786-7111)

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Mercury is a persistent, bioaccumulative toxin that can damage human central nervous and cardiovascular systems and cause environmental harm.

In 2003 the Legislature passed laws that prohibit mercury components in a number of consumer products. The law requires labeling of fluorescent lamps to indicate the presence of mercury and to inform purchasers on the proper disposal of the product.

The Department of Ecology's (DOE) Chemical Action Plan for mercury identified that a significant amount of mercury released into the environment comes from the disposal of products including fluorescent light tubes if they are improperly discarded.

Summary of Bill:

By January 1, 2011, all commercial, industrial, and retail facilities must recycle their mercury-added general purpose lights. By July 1, 2011, all state facilities, including learning institutions, must recycle their mercury-added general purpose lights.

By June 30, 2011, the sale or purchase of bulk mercury is prohibited.

Dangerous waste recycling facilities or treatment, storage, and disposal facilities approved by the DOE are exempt from the chapter.

By July 1, 2010, the DOE, in consultation with the U. S. Environmental Protection Agency, must study the feasibility of a national repository for mercury and report its recommendations and findings to the Legislature by December 1, 2010.

By December 1, 2009, the DOE, along with the Solid Waste Advisory Committee, shall research and make recommendations for implementing and financing a convenient and effective mercury-added general purpose light recycling program for residents, small businesses, small government agencies, charities, and small schools in the state. Factors to be considered include:

- urban and rural challenges;
- involvement of mercury-added general purpose light manufacturers;
- financing options;
- incentives to encourage recycling;
- impacts of an approach on local governments, nonprofit organizations, and others;
- and
- information from existing programs.

The laws on mercury apply to crematoriums.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill does create mandated recycling of mercury lights. It also prohibits the sale of bulk mercury. A recycling infrastructure exists. It is being done now for large users. There is a developing mailback program for residential use that includes safe storage and packaging. Rates vary depending on the lamp. The residential program is developing more efficient and convenient methods of collection to get the costs down. This bill addresses the main concerns of lamps right now. Federal law excludes low mercury lamps which is much of what is being produced now and excludes small generators of waste which are most of the small businesses in this country. Producers want to work with those who already have recycling programs in place and with other interested parties like the process that was used to develop the mercury bill passed in 2003.

(With concerns) There is a low recycling rate for mercury lamps which means these products are going into landfills and in the trash. There is concern about requiring more study before something is put in place. The financing of a widespread system of mercury lamp collection and recycling should be implemented now.

(Opposed) None.

Persons Testifying: (In support) David Michenel and Mark Stennes, Waste Management; Charlie Brown, National Electrical Manufacturers Association; Brad Tower, Northwest Grocery Association; Craig Lerch, Ecolights Northwest; and Gary Smith, Independent Business Association.

(With concerns) Lauren Cole, King County Solid Waste Division.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON WAYS & MEANS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 21 members: Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler, Cody, Conway, Darneille, Haigh, Hinkle, Hunter, Kagi, Kenney, Kessler, Pettigrew, Priest, Ross, Schmick, Seaquist and Sullivan.

Minority Report: Without recommendation. Signed by 1 member: Representative Hunt.

Staff: Owen Rowe (786-7391)

Summary of Recommendation of Committee On Ways & Means Compared to Recommendation of Committee On Environmental Health:

The substitute bill exempts public schools serving K-12 students from recycling their end-of-life mercury-added general purpose lights.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill was introduced last year and did not pass. An amendment that would take this fiscal note to zero would be supported. It is important to work in a collaborative process with manufacturers to get to the lowest cost solution for the recycling of lamps with mercury.

(Opposed) None.

Persons Testifying: Charlie Brown, National Electrical Manufacturers' Association; and Brad Boswell, Waste Management.

Persons Signed In To Testify But Not Testifying: None.