

HOUSE BILL REPORT

HB 2507

As Reported by House Committee On:
Environment

Title: An act relating to clarifying certain issues with regard to the regulation of bulk mercury.

Brief Description: Regarding the regulation of mercury.

Sponsors: Representatives Hunt and Roberts.

Brief History:

Committee Activity:

Environment: 1/26/12, 1/27/12 [DP].

Brief Summary of Bill

- Amends the definition of "bulk mercury" to exclude mercury-added products.
- Repeals the requirement that facilities that are not subject to the ban on the sale or purchase and delivery of bulk mercury submit an annual inventory of their purchases and use of bulk mercury to the Department of Ecology.
- Exempts prescription devices regulated by the federal Food and Drug Administration from the requirements related to the use and sale of mercury.

HOUSE COMMITTEE ON ENVIRONMENT

Majority Report: Do pass. Signed by 15 members: Representatives Upthegrove, Chair; Tharinger, Vice Chair; Short, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Fitzgibbon, Hansen, Jenkins, Morris, Nealey, Pearson, Pollet, Shea, Takko, Taylor and Wylie.

Staff: Anna Jackson (786-7194).

Background:

Mercury.

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 the central nervous system and cardiovascular system in humans. Mercury enters the environment through mining, petroleum combustion, coal powered plants, municipal sewage plants, land-filling, and incinerating certain consumer products. Mercury is deposited in land, air, and water, and eventually finds its way into the food chain and humans.

In 2003 the Legislature passed the Mercury Education and Reduction Act, which prohibits mercury components in a number of consumer products. Among other provisions, the law requires labeling of fluorescent lamps to indicate the presence of mercury and to inform purchasers on the proper disposal of the product. It also requires the Department of General Administration to give preference and priority to the purchase of equipment and products that do not contain mercury unless there are no feasible alternatives.

The conclusions in the Department of Ecology's (Ecology) Mercury Chemical Action Plan include that a significant amount of mercury released into the environment is from the disposal of common consumer products such as fluorescent light tubes, thermometers, and thermostats, and that many Washington residents are not aware of products that contain mercury and are likely to improperly dispose of mercury-containing products.

Bulk Mercury.

In 2010 the Legislature passed a law that prohibits the sale or purchase and delivery of bulk mercury after June 30, 2012, except by specific types of businesses. "Bulk mercury" includes any elemental, nonamalgamated mercury, regardless of volume or weight, and does not include products containing mercury collected for recycling or disposal at a permitted mercury facility [RCW 70.95M.010(1)]. Since there is no quantity limit, even a single drop of elemental, nonamalgamated mercury is technically considered "bulk mercury" under current state law.

A "mercury-added product" has a specific definition in current law, and includes mercury thermometers, mercury thermostats, mercury barometers, lamps, and mercury switches or relays [RCW 7095M.010(8)].

Summary of Bill:

The definition of "bulk mercury" is amended to exclude mercury-added products.

The requirement that facilities that are not subject to the ban on the sale or purchase and delivery of bulk mercury submit an annual inventory of their purchases and use of bulk mercury to Ecology is repealed. These facilities include: (1) immediate dangerous waste recycling facilities; (2) treatment, storage, and disposal facilities as approved by Ecology; and (3) sales to research or industrial facilities that provide products or services to entities exempt from the restrictions on the use or sale of mercury (prescription drugs, biological products, and over the counter products, all of which must be regulated by the federal Food and Drug Administration).

Prescription devices regulated by the federal Food and Drug Administration are exempt from the requirements related to the use and sale of mercury.

Appropriation: None.

Fiscal Note: Not requested.

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) When the state Legislature passed the 2010 bill that banned the purchase or sale and delivery of bulk mercury, no one realized that it applied to bulk mercury in mercury-added products. This unintended consequence has negatively impacted the dental, aerospace, and other industries. The Department of Ecology anticipates it will save money if this bill passes.

Not only will this bill save money, but not passing this bill would increase dental industry costs by \$1.2 million per biennium.

Regulating mercury is a good idea. One problem we will continue to deal with, however, is coal coming from China—it is in the air and in the environment. The term afluenza can be applied in this situation, which means suicide by over-consumption.

(Opposed) None.

Persons Testifying: K Seiler, Washington State Department of Ecology; and David Michener, Washington State Dental Association.

Persons Signed In To Testify But Not Testifying: None.