

CERTIFICATION OF ENROLLMENT

**ENGROSSED SUBSTITUTE HOUSE BILL 2246**

Chapter 119, Laws of 2014

63rd Legislature  
2014 Regular Session

MERCURY-CONTAINING LIGHTS PRODUCT STEWARDSHIP PROGRAM

EFFECTIVE DATE: 06/12/14 - Except for Section 10, which is  
contingent.

Passed by the House February 13, 2014  
Yeas 56 Nays 41

FRANK CHOPP

\_\_\_\_\_  
**Speaker of the House of Representatives**

Passed by the Senate March 7, 2014  
Yeas 31 Nays 18

BRAD OWEN

\_\_\_\_\_  
**President of the Senate**

Approved March 28, 2014, 2:28 p.m.

JAY INSLEE

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2246** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

\_\_\_\_\_  
**Chief Clerk**

FILED

March 31, 2014

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE HOUSE BILL 2246**

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Passed Legislature - 2014 Regular Session

**State of Washington                      63rd Legislature                      2014 Regular Session**

**By** House Environment (originally sponsored by Representatives S. Hunt, Fitzgibbon, Hudgins, Morris, Ryu, Roberts, Bergquist, Goodman, and Pollet)

READ FIRST TIME 02/04/14.

1            AN ACT Relating to financing for stewardship of mercury-containing  
2 lights; amending RCW 70.275.030, 70.275.040, and 70.275.050; reenacting  
3 and amending RCW 70.275.020; adding a new section to chapter 70.275  
4 RCW; adding new sections to chapter 43.131 RCW; adding a new section to  
5 chapter 70.95M RCW; creating a new section; recodifying RCW 70.275.080;  
6 repealing RCW 70.275.120; providing an effective date; and providing a  
7 contingent effective date.

8            BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

9            NEW SECTION.    **Sec. 1.**    The legislature finds that additional  
10 flexibility is needed for mercury-containing light manufacturers to  
11 comply with the requirements of chapter 70.275 RCW in order to provide  
12 a sustainable funding mechanism and provide effective state protections  
13 to producer-operated product stewardship programs under chapter 70.275  
14 RCW.

15            **Sec. 2.**    RCW 70.275.020 and 2010 c 130 s 2 are each reenacted and  
16 amended to read as follows:

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

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

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

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

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

14 (3) "Covered entities" means:

15 (a) A (~~(single family or a multifamily household generator and~~  
16 ~~persons that deliver no more than fifteen)) household generator or  
17 other person who purchases mercury-containing lights at retail and  
18 delivers no more than ten mercury-containing lights to registered  
19 collectors for a product stewardship program (~~(during a ninety day~~  
20 ~~period)) on any given day; and~~~~

21 (b) A (~~(single family or a multifamily household generator and~~  
22 ~~persons that utilize)) household generator or other person who  
23 purchases mercury-containing lights at retail and utilizes a registered  
24 residential curbside collection program or a mail-back program for  
25 collection of mercury-containing lights and (~~that~~) discards no more  
26 than fifteen mercury-containing lights into those programs (~~(during a~~  
27 ~~ninety day period)) on any given day.~~~~

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

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

33 (6) "Hazardous substances" or "hazardous materials" means those  
34 substances or materials identified by rules adopted under chapter  
35 70.105 RCW.

36 (7) "Mail-back program" means the use of a prepaid postage  
37 container with mercury vapor barrier packaging that is used for the

1 collection and recycling of mercury-containing lights from covered  
2 entities as part of a product stewardship program and is transported by  
3 the United States postal service or a common carrier.

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

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

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

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

21 (12) "Processing" means recovering materials from unwanted products  
22 for use as feedstock in new products. Processing must occur at  
23 permitted facilities.

24 (13) "Producer" means a person that:

25 (a) Has or had legal ownership of the brand, brand name, or cobrand  
26 of a mercury-containing light sold in or into Washington state,  
27 (~~except for persons whose primary business is retail sales~~) unless  
28 the brand owner is a retailer whose mercury-containing light was  
29 supplied by another producer participating in a stewardship program  
30 under this chapter;

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

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

37 (d)(i) Sells or sold at wholesale or retail a mercury-containing

1 light; (ii) does not have legal ownership of the brand; and (iii)  
2 elects to fulfill the responsibilities of the producer for that  
3 product.

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

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

13 (16) "Product stewardship program" or "program" means the methods,  
14 systems, and services financed in the manner provided for under RCW  
15 70.275.050 and provided by producers of mercury-containing lights  
16 generated by covered entities that addresses product stewardship and  
17 includes ~~((collecting, — transporting, — reusing))~~ arranging for the  
18 collection, — transportation, recycling, processing, and final  
19 disposition of unwanted mercury-containing lights, including ~~((a fair~~  
20 ~~share of))~~ orphan products.

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

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

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

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

31 (20) "Residuals" means nonrecyclable materials left over from  
32 processing an unwanted product.

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

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

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

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

10 (24) "Stewardship organization" means an organization designated by  
11 a producer or group of producers to act as an agent on behalf of each  
12 producer to operate a product stewardship program.

13 (25) "Unwanted product" means a mercury-containing light no longer  
14 wanted by its owner or that has been abandoned, discarded, or is  
15 intended to be discarded by its owner.

16 (26) "Environmental handling charge" or "charge" means the charge  
17 approved by the department to be applied to each mercury-containing  
18 light to be sold at retail in or into Washington state. The  
19 environmental handling charge must cover all administrative and  
20 operational costs associated with the product stewardship program,  
21 including the fee for the department's administration and enforcement.

22 **Sec. 3.** RCW 70.275.030 and 2010 c 130 s 3 are each amended to read  
23 as follows:

24 (1) Every producer of mercury-containing lights sold in or into  
25 Washington state for ~~((residential – use – must – fully – finance – and~~  
26 ~~participate – in – a – product – stewardship – program – for – that – product,~~  
27 ~~including the department's costs for administering and enforcing this~~  
28 ~~chapter.~~

29 ~~(2) Every producer must:~~

30 ~~(a) Participate in a product stewardship program approved by the~~  
31 ~~department – and – operated – by – a – product – stewardship – organization~~  
32 ~~contracted – by – the – department. – All – producers – must – finance – and~~  
33 ~~participate – in – the – plan – operated – by – the – product – stewardship~~  
34 ~~organization, unless the producer obtains department approval for an~~  
35 ~~independent plan as described in (b) of this subsection; or~~

36 ~~(b) Finance and operate, either individually or jointly with other~~  
37 ~~producers, a product stewardship program approved by the department.~~

1       ~~(3) — A producer, — group — of — producers, — or — product — stewardship~~  
2 ~~organization — funded — by — producers — must — pay — all — administrative — and~~  
3 ~~operational costs associated with their program or programs, except for~~  
4 ~~the collection costs associated with curbside and mail back collection~~  
5 ~~programs. — For curbside and mail back programs, a producer, group of~~  
6 ~~producers, or product stewardship organization shall finance)) retail~~  
7 ~~sale in Washington state must participate in a product stewardship~~  
8 ~~program for those products, operated by a stewardship organization and~~  
9 ~~financed in the manner provided by RCW 70.275.050. Every such producer~~  
10 ~~must inform the department of the producer's participation in a product~~  
11 ~~stewardship program by including the producer's name in a plan~~  
12 ~~submitted to the department by a stewardship organization as required~~  
13 ~~by RCW 70.275.040. Producers must satisfy these participation~~  
14 ~~obligations individually or may do so jointly with other producers.~~

15       (2) A stewardship organization operating a product stewardship  
16 program must pay all administrative and operational costs associated  
17 with its program with revenues received from the environmental handling  
18 charge described in RCW 70.275.050. The stewardship organization's  
19 administrative and operational costs are not required to include a  
20 collection location's cost of receiving, accumulating and storing, and  
21 packaging mercury-containing lights. However, a stewardship  
22 organization may offer incentives or payments to collectors. The  
23 stewardship organization's administrative and operational costs do not  
24 include the collection costs associated with curbside and mail-back  
25 collection programs. The stewardship organization must arrange for  
26 collection service at locations described in subsection (4) of this  
27 section, which may include household hazardous waste facilities,  
28 charities, retailers, government recycling sites, or other suitable  
29 private locations. No such entity is required to provide collection  
30 services at their location. For curbside and mail-back programs, a  
31 stewardship organization must pay the costs of transporting mercury-  
32 containing lights from accumulation points and for processing mercury-  
33 containing lights collected by curbside and mail-back programs. For  
34 collection locations, including household hazardous waste facilities,  
35 charities, retailers, government recycling sites, or other suitable  
36 private locations, a ((producer, — group — of — producers, — or — product))  
37 stewardship organization ((shall — finance)) must pay the costs of  
38 ((collection,)) packaging and shipping materials as required under RCW

1 70.275.070 or must compensate collectors for the costs of those  
2 materials, and must pay the costs of transportation((7)) and processing  
3 of mercury-containing lights collected ((a)) from the collection  
4 locations.

5 ((4)) (3) Product stewardship programs shall collect unwanted  
6 mercury-containing lights delivered from covered entities for  
7 ((reuse7)) recycling, processing, or final disposition, and not charge  
8 a fee when lights are dropped off or delivered into the program.

9 ((5)) (4) Product stewardship programs shall provide, at a  
10 minimum, no cost services in all cities in the state with populations  
11 greater than ten thousand and all counties of the state on an ongoing,  
12 year-round basis.

13 ((6)) (5) Product stewardship programs shall promote the safe  
14 handling and recycling of mercury-containing lights to the public,  
15 including producing and offering point-of-sale educational materials to  
16 retailers of mercury-containing lights and point-of-return educational  
17 materials to collection locations.

18 (6) All product stewardship programs operated under approved plans  
19 must recover their fair share of unwanted covered products as  
20 determined by the department.

21 (7) The department or its designee may inspect, audit, or review  
22 audits of processing and disposal facilities used to fulfill the  
23 requirements of a product stewardship program.

24 (8) No product stewardship program required under this chapter may  
25 use federal or state prison labor for processing unwanted products.

26 (9) Product stewardship programs for mercury-containing lights must  
27 be fully implemented by January 1, ((2013)) 2015.

28 **Sec. 4.** RCW 70.275.040 and 2010 c 130 s 4 are each amended to read  
29 as follows:

30 (1) ~~((A producer, group of producers, or product stewardship~~  
31 ~~program submitting a proposed product stewardship plan under RCW~~  
32 ~~70.275.030(2)(b) must submit that plan by January 1st of the year prior~~  
33 ~~to the planned implementation.))~~ On June 1st of the year prior to  
34 implementation, each producer must ensure that a stewardship  
35 organization submits a proposed product stewardship plan on the  
36 producer's behalf to the department for approval. Plans approved by



1 the department must be implemented by January 1st of the following  
2 calendar year.

3 (2) The department shall establish rules for plan content. Plans  
4 must include but are not limited to:

5 (a) All necessary information to inform the department about the  
6 plan operator and participating producers and their brands;

7 (b) The management and organization of the product stewardship  
8 program that will oversee the collection, transportation, and  
9 processing services;

10 (c) The identity of collection, transportation, and processing  
11 service providers, including a description of the consideration given  
12 to existing residential curbside collection infrastructure and mail-  
13 back systems as an appropriate collection mechanism;

14 (d) How the product stewardship program will seek to use businesses  
15 within the state, including transportation services, retailers,  
16 collection sites and services, existing curbside collection services,  
17 existing mail-back services, and processing facilities;

18 (e) A description of how the public will be informed about the  
19 ~~((recycling program))~~ product stewardship program, including how  
20 consumers will be provided with information describing collection  
21 opportunities for unwanted mercury-containing lights from covered  
22 entities and safe handling of mercury-containing lights, waste  
23 prevention, and recycling. The description must also include  
24 information to make consumers aware that an environmental handling  
25 charge has been added to the purchase price of mercury-containing  
26 lights sold at retail to fund the mercury-containing light stewardship  
27 programs in the state. The environmental handling charge may not be  
28 described as a department recycling fee or charge at the point of  
29 retail sale;

30 (f) A description of the financing system required under RCW  
31 70.275.050;

32 (g) How mercury and other hazardous substances will be handled for  
33 collection through final disposition;

34 (h) A public review and comment process; and

35 (i) Any other information deemed necessary by the department to  
36 ensure an effective mercury light product stewardship program that is  
37 in compliance with all applicable laws and rules.

1 (3) All plans submitted to the department must be made available  
2 for public review on the department's web site and at the department's  
3 headquarters.

4 (4) At least two years from the start of the product stewardship  
5 program and once every four years thereafter, (~~(a producer, group of~~  
6 ~~producers, or product)~~) each stewardship organization operating a  
7 product stewardship program must update its product stewardship plan  
8 and submit the updated plan to the department for review and approval  
9 according to rules adopted by the department.

10 (~~Each product stewardship program shall submit an annual~~  
11 ~~report to the department describing the results of implementing their~~  
12 ~~plan for the prior year. The department may adopt rules for reporting~~  
13 ~~requirements. All reports submitted to the department must be made~~  
14 ~~available for public review)) By June 1, 2016, and each June 1st  
15 thereafter, each stewardship organization must submit an annual report  
16 to the department describing the results of implementing the  
17 stewardship organization's plan for the prior calendar year, including  
18 an independent financial audit. The department may adopt rules for  
19 reporting requirements. Financial information included in the annual  
20 report must include but is not limited to:~~

21 (a) The amount of the environmental handling charge assessed on  
22 mercury-containing lights and the revenue generated;

23 (b) Identification of confidential information pursuant to RCW  
24 43.21A.160 submitted in the annual report; and

25 (c) The cost of the mercury-containing lights product stewardship  
26 program, including line item costs for:

27 (i) Program operations;

28 (ii) Communications, including media, printing and fulfillment,  
29 public relations, and other education and outreach projects;

30 (iii) Administration, including administrative personnel costs,  
31 travel, compliance and auditing, legal services, banking services,  
32 insurance, and other administrative services and supplies, and  
33 stewardship organization corporate expenses; and

34 (iv) Amount of unallocated reserve funds.

35 (6) Beginning in 2023 every stewardship organization must include  
36 in its annual report an analysis of the percent of total sales of  
37 lights sold at retail to covered entities in Washington that mercury-  
38 containing lights constitute, the estimated number of mercury-

1 containing lights in use by covered entities in the state, and the  
2 projected number of unwanted mercury-containing lights to be recycled  
3 in future years.

4 (7) All plans and reports submitted to the department must be made  
5 available for public review, excluding sections determined to be  
6 confidential pursuant to RCW 43.21A.160, on the department's web site  
7 and at the department's headquarters.

8 **Sec. 5.** RCW 70.275.050 and 2010 c 130 s 5 are each amended to read  
9 as follows:

10 ~~(1) ((All producers that sell mercury-containing lights in or into~~  
11 ~~the state of Washington are responsible for financing the mercury-~~  
12 ~~containing light recycling program required by RCW 70.275.030.~~

13 ~~(2) Each producer shall pay fifteen thousand dollars to the~~  
14 ~~department to contract for a product stewardship program to be operated~~  
15 ~~by a product stewardship organization. The department shall retain~~  
16 ~~five thousand dollars of the fifteen thousand dollars for~~  
17 ~~administration and enforcement costs.~~

18 ~~(3) A producer or producers participating in an independent plan,~~  
19 ~~as permitted under RCW 70.275.030(2)(b), must pay the full cost of~~  
20 ~~operation. Each producer participating in an approved independent plan~~  
21 ~~shall pay an annual fee of five thousand dollars to the department for~~  
22 ~~administration and enforcement costs.)) Each stewardship organization~~  
23 must recommend to the department an environmental handling charge to be  
24 added to the price of each mercury-containing light sold in or into the  
25 state of Washington for sale at retail. The environmental handling  
26 charge must be designed to provide revenue necessary and sufficient to  
27 cover all administrative and operational costs associated with the  
28 stewardship program described in the department-approved product  
29 stewardship plan for that organization, including the department's  
30 annual fee required by subsection (5) of this section, and a prudent  
31 reserve. The stewardship organization must consult with collectors,  
32 retailers, recyclers, and each of its participating producers in  
33 developing its recommended environmental handling charge. The  
34 environmental handling charge may, but is not required to, vary by the  
35 type of mercury-containing light. In developing its recommended  
36 environmental handling charge, the stewardship organization must take  
37 into consideration and report to the department:

1       (a) The anticipated number of mercury-containing lights that will  
2 be sold to covered entities in the state at retail during the relevant  
3 period;

4       (b) The number of unwanted mercury-containing lights delivered from  
5 covered entities expected to be recycled during the relevant period;

6       (c) The operational costs of the stewardship organization as  
7 described in RCW 70.275.030(2);

8       (d) The administrative costs of the stewardship organization  
9 including the department's annual fee, described in subsection (5) of  
10 this section; and

11       (e) The cost of other stewardship program elements including public  
12 outreach.

13       (2) The department must review, adjust if necessary, and approve  
14 the stewardship organization's recommended environmental handling  
15 charge within sixty days of submittal. In making its determination,  
16 the department shall review the product stewardship plan and may  
17 consult with the producers, the stewardship organization, retailers,  
18 collectors, recyclers, and other entities.

19       (3) No sooner than January 1, 2015:

20       (a) The mercury-containing light environmental handling charge must  
21 be added to the purchase price of all mercury-containing lights sold to  
22 Washington retailers for sale at retail, and each Washington retailer  
23 shall add the charge to the purchase price of all mercury-containing  
24 lights sold at retail in this state, and the producer shall remit the  
25 environmental handling charge to the stewardship organization in the  
26 manner provided for in the stewardship plan; or

27       (b) Each Washington retailer must add the mercury-containing light  
28 environmental handling charge to the purchase price of all mercury-  
29 containing lights sold at retail in this state, where the retailer, by  
30 voluntary binding agreement with the producer, arranges to remit the  
31 environmental handling charge to the stewardship organization on behalf  
32 of the producer in the manner provided for in the stewardship plan.  
33 Producers may not require retailers to opt for this provision via  
34 contract, marketing practice, or any other means. The stewardship  
35 organization must allow retailers to retain a portion of the  
36 environmental handling charge as reimbursement for any costs associated  
37 with the collection and remittance of the charge.

1       (4) At any time, a stewardship organization may submit to the  
2 department a recommendation for an adjusted environmental handling  
3 charge for the department's review, adjustment, if necessary, and  
4 approval under subsection (2) of this section to ensure that there is  
5 sufficient revenue to fund the cost of the program, current deficits,  
6 or projected needed reserves for the next year. The department must  
7 review the stewardship organization's recommended environmental  
8 handling charge and must adjust or approve the recommended charge  
9 within thirty days of submittal if the department determines that the  
10 charge is reasonably designed to meet the criteria described in  
11 subsection (1) of this section.

12       (5) Beginning March 1, 2015, and each year thereafter, each  
13 stewardship organization shall pay to the department an annual fee  
14 equivalent to five thousand dollars for each participating producer to  
15 cover the department's administrative and enforcement costs. The  
16 amount paid under this section must be deposited into the product  
17 stewardship programs account created in RCW 70.275.130.

18       NEW SECTION. Sec. 6. A new section is added to chapter 70.275 RCW  
19 to read as follows:

20       (1) It is the intent of the legislature that a producer, group of  
21 producers, stewardship organization preparing, submitting, and  
22 implementing a mercury-containing light product stewardship program  
23 pursuant to this chapter, as well as participating entities in the  
24 distribution chain, including retailers and distributors, are granted  
25 immunity, individually and jointly, from federal and state antitrust  
26 liability that might otherwise apply to the activities reasonably  
27 necessary for implementation and compliance with this chapter. It is  
28 further the intent of the legislature that the activities of the  
29 producer, group of producers, stewardship organization, and entities in  
30 the distribution chain, including retailers and distributors, in  
31 implementing and complying with the provisions of this chapter may not  
32 be considered to be in restraint of trade, a conspiracy, or combination  
33 thereof, or any other unlawful activity in violation of any provisions  
34 of federal or state antitrust laws.

35       (2) The department shall actively supervise the conduct of the  
36 stewardship organization, the producers of mercury-containing lights,

1 and entities in the distribution chain in determination and  
2 implementation of the environmental handling charge authorized by this  
3 chapter.

4 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.131 RCW  
5 to read as follows:

6 The mercury-containing lights product stewardship program as  
7 established under chapter 70.275 RCW is terminated July 1, 2025, as  
8 provided in section 8 of this act.

9 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.131 RCW  
10 to read as follows:

11 The following acts or parts of acts, as now existing or hereafter  
12 amended, are each repealed, effective July 1, 2026:

13 (1) RCW 70.275.010 (Findings--Purpose) and 2010 c 130 s 1;

14 (2) RCW 70.275.020 (Definitions) and 2014 c . . . s 2 (section 2 of  
15 this act) & 2010 c 130 s 2;

16 (3) RCW 70.275.030 (Product stewardship program) and 2014 c . . .  
17 s 3 (section 3 of this act) & 2010 c 130 s 3;

18 (4) RCW 70.275.040 (Submission of proposed product stewardship  
19 plans--Department to establish rules--Public review--Plan update--  
20 Annual report) and 2014 c . . . s 4 (section 4 of this act) & 2010 c  
21 130 s 4;

22 (5) RCW 70.275.050 (Financing the mercury-containing light  
23 recycling program) and 2014 c . . . s 5 (section 5 of this act) & 2010  
24 c 130 s 5;

25 (6) RCW 70.275.060 (Collection and management of mercury) and 2010  
26 c 130 s 6;

27 (7) RCW 70.275.070 (Collectors of unwanted mercury-containing  
28 lights--Duties) and 2010 c 130 s 7;

29 (8) RCW 70.275.090 (Producers must participate in an approved  
30 product stewardship program) and 2010 c 130 s 9;

31 (9) RCW 70.275.100 (Written warning--Penalty--Appeal) and 2010 c  
32 130 s 10;

33 (10) RCW 70.275.110 (Department's web site to list producers  
34 participating in product stewardship plan--Required participation in a  
35 product stewardship plan--Written warning--Penalty--Rules--Exemptions)  
36 and 2010 c 130 s 11;

1 (11) RCW 70.275.130 (Product stewardship programs account) and 2010  
2 c 130 s 13;

3 (12) RCW 70.275.140 (Adoption of rules--Report to the legislature--  
4 Invitation to entities to comment on issues--Estimate of statewide  
5 recycling rate for mercury-containing lights--Mercury vapor barrier  
6 packaging) and 2010 c 130 s 14;

7 (13) RCW 70.275.150 (Application of chapter to the Washington  
8 utilities and transportation commission) and 2010 c 130 s 15;

9 (14) RCW 70.275.160 (Application of chapter to entities regulated  
10 under chapter 70.105 RCW) and 2010 c 130 s 16;

11 (15) RCW 70.275.900 (Chapter liberally construed) and 2010 c 130 s  
12 17;

13 (16) RCW 70.275.901 (Severability--2010 c 130) and 2010 c 130 s 21;  
14 and

15 (17) RCW 70.275.--- and 2014 c . . . s 6 (section 6 of this act).

16 NEW SECTION. **Sec. 9.** RCW 70.275.120 (Producers must pay annual  
17 fees) and 2010 c 130 s 12 are each repealed.

18 NEW SECTION. **Sec. 10.** (1) RCW 70.275.080 is recodified as a  
19 section in chapter 70.95M RCW.

20 (2) This section takes effect July 1, 2026, only if chapter 70.275  
21 RCW is repealed as provided for in section 8 of this act.

Passed by the House February 13, 2014.  
Passed by the Senate March 7, 2014.  
Approved by the Governor March 28, 2014.  
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