

**RCW 70A.505.110 Department's website to list producers participating in product stewardship plan—Required participation in a product stewardship plan—Written warning—Review of plans—Rules—Exemptions. (Effective until January 1, 2035.)**

(1) The department shall provide on its website a list of all producers participating in a product stewardship plan that the department has approved and a list of all producers the department has identified as noncompliant with this chapter and any rules adopted to implement this chapter.

(2) Product wholesalers, retailers, distributors, and electric utilities must check the department's website or producer-provided written verification to determine if producers of products they are selling in or into the state are in compliance with this chapter.

(3) No one may distribute or sell mercury-containing lights from producers, or any lights in or into the state from legacy producers, who are not participating in a product stewardship program or who are not in compliance with this chapter and rules adopted under this chapter.

(4) (a) The department shall serve, or send with delivery confirmation, a written warning explaining the violation to any person known to be distributing or selling mercury-containing lights from producers, or any lights in or into the state from legacy producers, who are not participating in a product stewardship program or who are not in compliance with this chapter and rules adopted under this chapter.

(b) The department must review new, updated, and revised plans submitted by stewardship organizations. The department must:

(i) Review new, updated, and revised stewardship organization plans within 120 days of receipt of a complete plan;

(ii) Make a determination as to whether or not to approve a plan, plan update, or plan revision and notify the stewardship organization of the:

(A) Determination of approval if a plan provides for a program that meets the requirements of this chapter; or

(B) Reasons for not approving a plan. The stewardship organization must submit a new or revised plan within 60 days after receipt of the letter of disapproval. In the event that a new or revised plan submitted by a stewardship organization does not sufficiently meet the requirements of this chapter, including any deficiencies identified in the initial letter of disapproval, the department may:

(I) Use the enforcement powers specified in this chapter; or

(II) Amend the contents of the insufficient new or revised plan in a manner that ensures that the plan meets the requirements of this chapter and the department may require the stewardship organization to implement the plan as amended by the department.

(c) The approval of a plan by the department does not relieve producers or legacy producers participating in the plan from responsibility for fulfilling the requirements of this chapter.

(5) The department shall adopt rules to implement this chapter.

(6) A sale or purchase of mercury-containing lights as a casual or isolated sale as defined in RCW 82.04.040 is not subject to the provisions of this section.

(7) A person primarily engaged in the business of reuse and resale of used mercury-containing lights is not subject to the provisions of this section when selling used working mercury-containing lights, for use in the same manner and purpose for which

the lights were originally purchased. [2024 c 339 s 11; 2010 c 130 s 11. Formerly RCW 70.275.110.]

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