

**WAC 173-910-100 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

**"Accumulation point"** means where mercury-containing lights from curbside or mail-back programs are accumulated for a product stewardship plan approved by the department.

**"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.

**"Collector"** means an entity that is licensed to do business in Washington state and that gathers mercury-containing lights from covered entities for the purpose of recycling under a product stewardship plan approved by the department and meets the collector requirements in WAC 173-910-520. Examples of collectors include, but are not limited to, drop off locations, household hazardous waste facilities, collection sites, curbside services, mail-back services, accumulation points, and collection events.

**"Compliance audit report"** means the report of a comprehensive third-party audit for each processing facility in the product stewardship program.

**"Covered entities"** means:

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

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

**"Department"** means the department of ecology.

**"Department's annual fee"** means the sum total of five thousand dollars paid to the department for each producer participating in a mercury-containing lights product stewardship program to fund department administration, oversight, and enforcement costs.

**"Distributor"** is an agent who supplies goods to stores and other businesses that sell to consumers.

**"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. The environmental handling charge must cover all administrative and operational costs associated with the product stewardship program, including the fee for the department's administration and enforcement.

**"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 facilities that meet all applicable federal, state, and local requirements.

**"Hazardous substances"** or **"hazardous materials"** means those substances or materials identified by rules adopted under chapter 70.105 RCW.

**"Mail-back program"** means the use of a prepaid postage container transported by the United States Postal Service or a common carrier, using sealable packaging and shipping materials that are designed to prevent the release of mercury into the environment by volatilization or any other means, to return mercury-containing lights for a product stewardship plan approved by the department.

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

**"Participate"** means the obligation of each producer of mercury-containing lights sold in or into Washington to register with and participate in an approved product stewardship program.

**"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.

**"Premium services"** means collection of mercury-containing lights through systems that may include additional fees to cover the collection costs not paid by the product stewardship program, examples include curbside collection or mail-back services.

**"Processing"** means storage and handling of mercury-containing lights for materials recovery, recycling, or preparing for final disposition. Processing must occur at facilities that meet all applicable federal, state, and local requirements.

**"Processor"** means an entity engaged in disassembling or dismantling mercury-containing lights to recover materials for recycling or disposal.

**"Producer"** means a person that meets any one of the following conditions:

(a) Has or had legal ownership of the brand, brand name, or co-brand 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 chapter 70.275 RCW;

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

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

(d) Offers for sale, sells or has sold at wholesale or retail a mercury-containing light and does not have legal ownership of the brand but chooses to fulfill the responsibilities of the producer for that product.

**"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 collecting, transporting, processing, recycling, and final disposition of mercury-containing lights.

**"Product stewardship plan"** or **"plan"** means a detailed plan describing the manner in which a product stewardship program will be implemented for collecting, transporting, processing, and recycling mercury-containing lights that is approved by the department and developed and implemented by a producer, group of producers, or a stewardship organization.

**"Product stewardship program"** or **"program"** means the methods, systems, and services financed in the manner provided for under RCW 70.275.050 and provided by producers of mercury-containing lights generated by covered entities that addresses product stewardship and includes arranging for the collection, transportation, processing, recycling, and final disposition of unwanted mercury-containing lights generated by covered entities, including orphan products.

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

**"Recycling"** means transforming or remanufacturing mercury-containing lights into usable or marketable materials for use other than landfill disposal or incineration. Recycling does not include energy recovery or energy generation by means of combusting unwanted products with or without other waste.

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

**"Residuals"** means nonrecyclable materials left over from processing an unwanted product.

**"Retailer"** means a person that 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.

**"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. Reuse does not include dismantling of products for the purpose of recycling.

**"Rural"** means areas without commercial centers or areas with widely dispersed population.

**"Service providers"** means collectors, transporters, and processors participating in a stewardship program.

**"Stakeholder"** means a person that may have an interest in or be affected by a product stewardship program.

**"Stewardship organization"** or **"organization"** means a producer or group of producers that operate a product stewardship program, an organization designated by a producer or group of producers to act as the agent on behalf of each producer to operate a product stewardship program.

**"Transboundary"** means crossing a provincial, territorial, or national boundary or border.

**"Transporter"** means an entity that transports mercury-containing lights from collection sites, accumulation points, or collection services to processors or other locations for the purpose of recycling, but does not include any entity or person that hauls their own mercury-containing lights.

**"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.

**"Wholesale"** means buying and selling goods, generally in original packages, on a large scale in parcels, usually from a manufacturer to a retail, commercial, or industrial client.

[Statutory Authority: RCW 70.275.040, 70.275.110, 70.275.140. WSR 16-17-146 (Order 15-04), § 173-910-100, filed 8/24/16, effective 9/24/16. Statutory Authority: Chapter 70.275 RCW. WSR 12-23-049 (Order 11-09), § 173-910-100, filed 11/16/12, effective 12/17/12.]