

**WAC 173-910-420 Plan content.** Product stewardship plans must contain the following information:

(1) **Overall plan requirements:** The plan must include:

(a) Names and contact information for all participating producers, including names of brands or brand labels used by specific producers;

(b) The number of mercury-containing lights sold annually in or into the state by producers participating in the plan;

(c) The types of mercury-containing lights that the program will accept; and

(d) Details on the management and organization of the stewardship organization.

(2) **Description of the financing system:** The plan must include a description of how the program will be funded by the producers and how compensation is paid to collectors, transporters, and processing facilities for all services provided to a plan and that payments to service providers will be made within an appropriate period of time from date of shipment or other time frame defined in contractual arrangements. Stewardship organizations will:

(a) Provide confirmation that revenues and expenditures applicable to this program will be allocated in accordance with generally accepted accounting principles (GAAP).

(b) Commit to providing an annual financial audit of the stewardship organization conducted by an independent certified public accountant.

(3) **Use of Washington state businesses:** The plan must explain how it seeks to use businesses within the state, including utilities, retailers, charities, household hazardous waste facilities, processing facilities, recycling facilities, and collection and transportation services for implementation of the plan including existing curbside collection services and existing mail-back services for implementation of the plan.

(4) **Plan goals:** The plan will provide goals for the collection of mercury-containing lights for five years of operation, including:

(a) Total number of mercury-containing lights sold in or into the state;

(b) An estimate of the amount of mercury-containing lights available for collection from covered entities; and

(c) Annual program goals for collection of mercury-containing lights from covered entities for the next five years.

(5) **Collectors:** The plan must include the following information about collectors participating in the plan:

(a) The type of collection services in the plan, including curbside collection activities, household hazardous waste facilities, drop-off locations, collection events, and accumulation points for curbside or mail-back collection;

(b) Registration information for collectors participating in the plan as required in WAC 173-910-520(1), including accumulation points used for curbside or mail-back collection;

(c) A written statement from each collector ensuring that the collector will comply with the requirements in WAC 173-910-520;

(d) A statement that collection sites will be:

(i) Staffed during operating hours; and

(ii) Open during regularly scheduled hours and on an ongoing basis.

(e) A description of the consideration given to existing residential curbside collection infrastructure and mail-back systems as appropriate collection mechanisms;

(f) A statement identifying how quickly collection containers will be provided once containers reach capacity;

(g) A description of the communication and outreach process to answer questions, provide supplies, or provide technical assistance to collectors;

(h) A description of the technical assistance to be provided to collection sites, including written instructions on how to participate in the program and how to appropriately handle and store mercury-containing lights;

(i) A description of the packaging and shipping materials that will be used when collecting, accumulating, storing, and transporting mercury-containing lights to minimize the release of mercury into the environment and to minimize breakage; and

(j) Drafts of spill and release response plan and worker safety plan required in WAC 173-910-520.

(6) **Transporters:** The plan must include information about transporters participating in the plan, including:

(a) Registration information for transporters participating in the plan, including names, addresses, and contact information.

(b) A written statement from each transporter ensuring that the transporter will comply with the requirements in WAC 173-910-530.

(7) **Processing facilities:** The plan must include information about processing facilities participating in the plan, including:

(a) Registration information for processors participating in the plan, including names, addresses, contact information and hours of operation;

(b) A description of the methods used to process mercury-containing lights at each processing facility in the program; and

(c) Compliance audit reports for each processing facility participating in the plan completed by a qualified third party. The compliance audit will research, review, and report on the following:

(i) Compliance with all federal, state, and local requirements and, if it exports, those of all transit and recipient countries that are applicable to the operations and transactions in which it engages related to the processing of mercury-containing lights, components, parts, and materials and disposal of residuals. These include, but are not limited to, applicable legal requirements relating to:

(A) Waste and recyclables processing, storage, handling, and shipping;

(B) Air emissions and waste water discharge, including stormwater discharges;

(C) Worker health and safety; and

(D) Transboundary movement of mercury-containing lights, components, materials, waste, or scrap for reuse, recycling, or disposal.

(ii) Information on financial penalties, regulatory orders, or violations the processing facility received in the previous three years; and

(iii) Any other information requested by the department.

(8) **Recordkeeping:** The plan must include procedures for how the stewardship organization will collect and maintain records to meet and demonstrate compliance with the recordkeeping requirements of this chapter. At a minimum, the stewardship organization will track the following information:

- (a) Total number of mercury-containing lights sold in or into Washington state for all producers participating in the plan.
- (b) The types of mercury-containing lights collected by the program.
- (c) List of all collection sites and collection services, including curbside and mail back.
- (d) Identification of transporters and processing facilities participating in the plan.
- (e) Mercury-containing lights collected, transported, and processed for the plan, including:
  - (i) Total mercury-containing lights, by weight in pounds, collected from individual collection sites, collection services, curbside and mail back.
  - (ii) Final destination and quantities of lights processed and disposed.
- (f) Education efforts for consumers, retailers, utilities, collectors, transporters, and processors, including assessments of the effectiveness of these efforts.
- (g) Efforts to promote the mercury-containing lights collection program.
- (9) **Implementation timeline:** The plan must include a timeline showing when each of the following will occur and a detailed description of each activity including, but not limited to:
  - (a) Start-up of the collection and processing efforts;
  - (b) Education efforts for consumers, retailers, collectors, transporters, and processors;
  - (c) Outreach efforts for the mercury-containing lights collection program; and
  - (d) Continual progress toward collection of spent mercury-containing lights.
- (10) **Education, public outreach, and marketing:** A description of how the plan will meet the public education, outreach and marketing requirements, including:
  - (a) A description of how the public will be informed about the product stewardship program, including how consumers will be provided with information describing collection opportunities for unwanted mercury-containing lights from covered entities and safe handling of mercury-containing lights, waste prevention, and recycling. The description must also include information to make consumers aware that an environmental handling charge has been added to the purchase price of mercury-containing lights sold at retail to fund the mercury-containing light stewardship programs in the state. The environmental handling charge may not be described as a department recycling fee or charge at the point of retail sale;
  - (b) How it will provide information about where and how to deliver their mercury-containing lights to a product stewardship program collector at the end of the product's life;
  - (c) Providing a website and toll-free number that gives information about the product stewardship program in sufficient detail regarding how and where to drop off mercury-containing lights into the product stewardship program, and collaborating with the department to provide information necessary to keep the 1-800-RECYCLE online database up to date;
  - (d) Describing the outreach method or methods used;
  - (e) How it will ensure outreach to the public throughout the state;

(f) How it will provide outreach materials for educating the public to all collectors used by the plan;

(g) Explaining how the plan will coordinate education, public outreach, and marketing with other approved product stewardship plans;

(h) Explaining how the plan will coordinate on education, public outreach, and marketing with retailers, distributors, wholesalers, and electric utilities; and

(i) Explain the public review process implemented by the stewardship organization, the public comments received by the stewardship organization, and how the stewardship organization addressed those comments.

(11) **Other information** deemed necessary by the department to determine compliance with this chapter.

(12) Producers submitting information to the department may request confidential treatment under RCW 43.21A.160.

[Statutory Authority: RCW 70.275.040, 70.275.110, 70.275.140. WSR 16-17-146 (Order 15-04), § 173-910-420, filed 8/24/16, effective 9/24/16. Statutory Authority: Chapter 70.275 RCW. WSR 12-23-049 (Order 11-09), § 173-910-420, filed 11/16/12, effective 12/17/12.]