

WAC 173-910-210 Producers of mercury-containing lights. (1) Every producer of mercury-containing lights sold in or into Washington state for retail sale in Washington state must participate in a product stewardship program for those products, operated by a stewardship organization and financed in the manner provided by WAC 173-910-310 (3) through (7). Every such producer must inform the department of the producer's participation in a product stewardship program by including the producer's name in a plan submitted to the department by a stewardship organization as required by WAC 173-910-410, 173-910-420, 173-910-430, and 173-910-440. Producers must satisfy these participation obligations individually or may do so jointly with other producers.

(2) No sooner than January 1, 2015:

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

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

(3) The stewardship organization must pay all administrative and operational costs associated with the plan in which they participate, except for the collection costs associated with curbside and mail-back collection programs. For curbside and mail-back programs, a stewardship organization must finance the costs of transporting and processing mercury-containing lights from the point of accumulation. For collection locations, including household hazardous waste facilities, charities, retailers, government recycling sites, or other suitable locations, a stewardship organization must finance the costs of collection, transportation, and processing of mercury-containing lights collected at the collection locations. The stewardship organization's administrative and operational costs are not required to include a collection location's cost of receiving, accumulating and storing, and packaging mercury-containing lights.

(4) The producer must satisfy the following requirements:

- (a) Meet its financial obligations to the plan;
- (b) Comply with producers' requirements as described in the plan;
- (c) Participate in a fully implemented plan; and
- (d) Take actions required to correct violations.

[Statutory Authority: RCW 70.275.040, 70.275.110, 70.275.140. WSR 16-17-146 (Order 15-04), § 173-910-210, filed 8/24/16, effective 9/24/16. Statutory Authority: Chapter 70.275 RCW. WSR 12-23-049 (Order 11-09), § 173-910-210, filed 11/16/12, effective 12/17/12.]