SENATE DOCKET, NO. 715 FILED ON: 1/17/2013

# SENATE . . . . . No. 396

## The Commonwealth of Massachusetts

PRESENTED BY:

***Michael J. Rodrigues***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to increasing mercury lamp recycling.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|---|---|
| *Michael J. Rodrigues* | *First Bristol and Plymouth* |
| *Theodore C. Speliotis* | *13th Essex* |
| *Jerald A. Parisella* | *6th Essex* |

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# SENATE . . . . . No. 396

By Mr. Rodrigues, a petition (accompanied by bill, Senate, No. 396) of Michael J. Rodrigues, Theodore C. Speliotis and Jerald A. Parisella for legislation relative to increasing mercury lamp recycling. Environment, Natural Resources and Agriculture.

## The Commonwealth of Massachusetts

An Act relative to increasing mercury lamp recycling.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Section 2 of chapter 21H of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the definition of “Public body” the following definition:-

“Qualified lamp recycler,” a person who engages in the manual or mechanical separation of spent household mercury-added lamps to recover components and mercury contained therein, and meets the requirements of the commonwealth for handling, transporting and disposal of mercury-added lamps.

SECTION 2. Section 6J of said chapter 21H, as so appearing, is hereby amended by striking out subsections (d) and (e) and inserting in place thereof the following 2 subsections:-

(d) (1) A manufacturer of mercury-added lamps shall satisfy the requirements of this section if such manufacturer who sells mercury-added lamps in the commonwealth individually pays a registration fee annually until June 30, 2022, not to exceed $6,250 per year, into an expendable trust, under section 6 of chapter 6A and any applicable regulations, for the limited purpose of documented department and municipal administration, access, communication, enforcement and education costs for proper mercury-added lamp disposal. (2) A person who sells fluorescent lamps at retail for residential or commercial customers may post the following notice in 24-point type or larger and in a manner clearly visible to a consumer examining fluorescent lamps offered for sale: "Fluorescent bulbs save energy and reduce environmental pollution. Note: Fluorescent bulbs contain a small amount of mercury and must be properly recycled at the end of their use. Contact your municipality or www.lamprecycle.org for bulb recycling options." A retailer may include additional language in the notice in order to promote the sale or in-store recycling of fluorescent lamps, provided that the notice language set forth in this subsection is present. A manufacturer, individually or collectively, must provide a printed copy of that notice,

24 free of charge, at the request of any retailer of mercury-added lamps for its retail establishment in
25 the commonwealth.

26 (e) (1) When an employee or agent of the department has reason to believe that a person
27 has violated subsection (a) of section 6I, that employee or agent of the department shall refer
28 cases to and cooperate with district attorneys, the attorney general and other state law
29 enforcement officials to enforce said subsection (a) of said section 6I.

30 (2) An inspector, as defined by section 1 of chapter 143, may enforce subsection (a) of
31 section 6I. A municipality may, under its authority in section 94 of said chapter 143, institute
32 additional fines and penalties for violations of said subsection (a) of said section 6I. Any
33 municipal employee enforcing this section must refer cases to and cooperate with district
34 attorneys, the attorney general and other state law enforcement officials to enforce said
35 subsection (a) of said section 6I.

36 (3) (a) A qualified mercury-added lamp recycler engaged in the collection and recycling
37 of mercury-added lamps shall issue a certificate of mercury lamp recycling to all customers upon
38 collection. Customers must keep these certificates on file for not less than 36 months and provide
39 access to the department upon request.

40 (b) A qualified mercury-added lamp recycler shall annually provide information
41 regarding the recycling of lamps by any person in the commonwealth as is requested by the
42 department. The department may establish by rule the information that qualified mercury-added
43 lamp recyclers shall provide.

44 SECTION 3. Notwithstanding any general or special law to the contrary, the regulations
45 adopted by the department of environmental protection to implement subsections (d) and (e) of
46 section 6J of chapter 21H of the General Laws prior to the effective date of this act are hereby
47 repealed, and all prior and future obligations of manufacturers under those regulations and under
48 subsections (d) and (e) of said section 6J of said chapter 21H prior to the effective date of this act
49 are terminated and not enforceable.