

Status of Local, State and Federal Mercury Product Legislation and Laws

2003-2004 Legislative Sessions

May 13, 2004

The regulation of mercury in products at the state and federal level is increasing rapidly. A good summary of existing state and federal laws as of the fall of 2001 on mercury product legislation is found in Appendix A of a draft report on mercury by the California Department of Toxic Substances Control, and found on the Internet at: http://www.dtsc.ca.gov/HazardousWaste/HWMP_REP_DraftMercury2.pdf as well as in the National Wildlife Federation report, "Getting Serious", found on the Internet at: www.nwf.org/cleantherain. Local ordinances and state laws are also available at: http://www.noharm.org/index.cfm?page_ID=14#local, which is part of the web page of Health Care Without Harm. Also, this author can be contacted for a list of mercury product legislation from the 2001-2002 sessions.

For mercury product legislation currently under consideration, the following is a summary of the bills that this compiler has found, along with their status and web page links. While the goal is to be complete, it is known that there are other measures — especially at local government levels — that have been missed.

This compilation does not include legislation to limit the emission of mercury from combustion processes or legislation on mercury consumption advisories.

Alabama

HB 143. This bill would prohibit the use of a device that is a mercury alloy intended for use as a dental amalgam if the device contains approximately 50 percent mercury on children less than 18 years of age, pregnant women, or lactating women. The bill would provide that the device could not be administered to any consumer without a warning that the product contains mercury. Introduced on February 3, 2004, referred to Committee on Health, where it was voted down by a vote of 11-0 on February 25, 2004.

<http://alisdb.legislature.state.al.us/acas/ACASLogin.asp>

HB 665 would require dentists to provide information to their patients on mercury and mercury amalgam. Referred to the Committee on Health, where the last action was on March 18, 2004.

<http://alisdb.legislature.state.al.us/acas/ACASLogin.asp>

SB 316 is identical to HB 143. Introduced on February 12, 2004, referred to Committee on Health.

<http://alisdb.legislature.state.al.us/acas/ACASLogin.asp>

Arizona

In the second session of the 46th Legislature, one bill on mercury in products has been introduced.

HB 2697 would require dentists to provide disclosure on mercury amalgam fillings. Introduced on February 16, 2004 and assigned to three committees. The Human Services Committee voted on February 24, 2004 to recommend passage on a 6-2 vote.

http://www.azleg.state.az.us/DocumentsForBill.asp?Bill_Number=hb2697

<http://www.azleg.state.az.us/legtext/46leg/2r/bills/hb2697o.asp>

In the first session, two bills were introduced, as follows.

HB 2467 would prohibit the use of mercury amalgam fillings in certain situations, including children under 18, nursing mothers or pregnant women. In addition, dentists would need to provide information to their patients on the advantages and disadvantages of mercury fillings. Assigned to Human Services Committee which voted 5-3 to adopt on February 13, 2003, and Rules Committee, which voted on February 13, 2003 that the bill was constitutional and in the proper form. A second reading was held on February 17, 2003. It appears that on February 26, 2003, the Majority Caucus voted to hold the bill, while the Minority Caucus voted to approve the bill.

<http://www.azleg.state.az.us/legtext/46leg/1r/bills/hb2467p.htm>

http://www.azleg.state.az.us/legtext/46leg/1r/summary/h.hb2467_02-12-03_hs.doc.htm

<http://www.azleg.state.az.us/legtext/46leg/1r/bills/hb2467o.asp>

SB 1186 would ban the use of outdoor mercury vapor lighting after January 1, 2011. Sent to three committees: Government, Appropriations, and to Rules

<http://www.azleg.state.az.us/legtext/46leg/1r/bills/sb1186p.htm>

<http://www.azleg.state.az.us/legtext/46leg/1r/bills/sb1186o.asp>

Arkansas

The 2003 regular session has adjourned without final passage of the two bills introduced on mercury in products. No mercury bills have been introduced in the special session.

HB 1282 would have prohibited the sale or installation of outdoor mercury vapor lighting as of January 1, 2004. One House amendment has been adopted. In the House Committee on Public Health, Welfare and Labor.

<http://www.arkleg.state.ar.us/ftproot/bills/2003/public/hb1282/hb1282-012920031250.rtf>

<http://www.arkleg.state.ar.us/2003/scripts/ablr/bills/bills.asp?billno=HB1282>

HB 1309 is known as the "Mercury Poisoning Reduction Act" would require manufacturers of mercury-containing products to provide information on these products to the state, require these products to be labeled, ban the sale of mercury fever thermometers except by prescription, ban the purchase of elemental mercury or mercury laboratory equipment in schools (with an exception for lab thermometers for which no substitute is available), ban the sale of mercury containing novelties, ban the landfilling of labeled products, require municipal and regional solid waste facilities to develop mercury collection programs, and require the establishment of mercury public education programs. Introduced January 31, 2003. Read the first time, rules suspended, read the second time and referred to the House Committee on Public Health, Welfare and Labor Committee. Two House amendments have been adopted. Hearing was scheduled for April 8, 2003.

<http://www.arkleg.state.ar.us/ftproot/bills/2003/public/hb1309/hb1309-112620021319.pdf>

<http://www.arkleg.state.ar.us/>

<http://www.arkleg.state.ar.us/2003/scripts/ablr/bills/bills.asp?billno=HB1309>

California

- AB 455, the "Toxics in Packaging Prevention Act" would prohibit the intentional introduction and limit the incidental use of mercury and three other heavy metals in packaging after January 1, 2006 except as specified. It has been adopted by both houses, enrolled, and sent to the Governor on September 23, 2003, who approved it on October 8, 2003.

http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_455&sess=CUR&house=B&author=chu

AB 611 would require the installation of dental amalgam separators by January 1, 2004, along with training of staff in each office to maintain the equipment. Referred to Committee on Health and to Committee on Environmental Safety & Toxic Materials, where it was amended, to eliminate the requirement for amalgam separators and instead require Best Management Practices (BMP). It had a second reading in the Assembly on May 28, 2003. Died February 2, 2004.

http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_611&sess=CUR&house=B&author=negrete_mcleod

- AB 999, as amended, would allow the state medical insurance program (Medi-Cal) for those on public assistance and certain other low-income people to pay for alternatives to mercury amalgam restorations. Alternatives provided for are composite resin, glass ionomer cement and resin ionomer cement. The provider of an alternative will be reimbursed at the same rate as for amalgam restorations. Adopted by both houses, enrolled and sent to the Governor on September 17, 2003, who approved it on October 9, 2003.

http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_999&sess=CUR&house=B&author=jerome_horto

AB 1255 would require the Department of Toxic Substances Control to include a list of sources of mercury in products in a report due to the Legislature on January 1, 2004, which currently is limited to information on mercury in automobiles. Adopted by the Assembly and sent to the Senate, where it has been assigned to the Committee on Environmental Quality.

http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_1255&sess=CUR&house=B&author=levin

AB 1699, known as the "Mercury Recycling Enhancement Act of 2003" would prohibit any person, after January 1, 2004, from disposing of a fluorescent lamp in a solid waste facility. Developed by the Committee on Environmental Safety and Toxic Materials and is in that committee. Adopted by Assembly in January 2004 and sent to Senate, where it was referred to the Committee on Environmental Quality.

http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_1699&sess=CUR&house=B&author=committee_on_environmental_safety_and_toxic_mate

AB 2901 would require the recycling of cell phones, in part due to the presence of mercury in the phones. Introduced on February 20, 2004; referred to the Committee on Environmental Safety and Toxic Materials and to the Committee on Natural Resource.

http://www.leginfo.ca.gov/pub/bill/asm/ab_2901-2950/ab_2901_bill_20040224_status.html

http://www.leginfo.ca.gov/pub/bill/asm/ab_2901-2950/ab_2901_bill_20040220_introduced.pdf

AB 2943 is known as the "Mercury Pollution Prevention Act of 2004" and would prohibit the sale of products with added mercury beginning in 2006 at a level of 1,000 milligrams per product, becoming increasingly restrictive to a level of 10 milligrams after January 1, 2008. Exemptions would be provided for fluorescent lamps, those products for which added mercury is essential to comply with federal or state health or safety standards and those products for which a manufacturer applies for and receives an exemption, which would include a system for the collection and proper processing of the product at the end of its useful life. Products with mercury sold after 2006 would also need to be labeled to indicate the presence of mercury. Introduced on March 15, 2003 and referred to the Committee on Environmental Safety and Toxic Materials.

http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_2943&sess=CUR&house=B&author=pavley

http://www.leginfo.ca.gov/pub/bill/asm/ab_2901-2950/ab_2943_bill_20040220_introduced.pdf

- SB 20 would set up an electronics recycling program, in part due to the presence of mercury within electronic products. Adopted by both houses, enrolled and sent to the Governor, who signed it into law on September 24, 2003.

http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_20&sess=CUR&house=B&author=sher

SB 511 This bill would enact the California Mercury Lamp Recycling Act of 2004 and would require every manufacturer of a mercury-containing fluorescent lamp sold in the state to submit a plan, by June 30, 2004, to the department that ensures, by January 1, 2006, that all mercury-containing

lamps sold by that manufacturer will be collected, transported, and recycled in accordance with all applicable state laws. In Committee on Appropriations; hearing was held May 29, 2003. Second reading held in 2003 and returned to the Secretary of the Senate on February 2, 2004 and is considered to be dead. It has been replaced by SB 1180.

http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_511&sess=CUR&house=B&author=figueroa

SB 1180 would enact the California Mercury Lamp Recycling Act of 2004 and would require a retail purchaser who purchases a fluorescent lamp in this state to pay a fluorescent lamp recycling fee to the retail seller. The bill would require the Department of Toxic Substances Control to set the amount of the fluorescent lamp recycling fee at an amount that is sufficient to pay for the cost of recycling the fluorescent lamp. Introduced on February 9, 2004 and referred to Committee on Environmental Quality and to the Committee on Revenue and Taxation.

http://www.leginfo.ca.gov/pub/bill/sen/sb_1151-1200/sb_1180_bill_20040209_introduced.pdf
http://www.leginfo.ca.gov/pub/bill/sen/sb_1151-1200/sb_1180_bill_20040210_history.html

Senate Joint Resolution 4 requests that the US Congress repeal language Homeland Security Act of 2002 that bars existing lawsuits by parents of children who allege that products manufactured by Eli Lilly and Company and other pharmaceutical companies led to their children's health conditions from Thimerosal.

http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sjr_4&sess=CUR&house=B&author=dunn

Connecticut

HB 6401 extends exemptions to the prohibitions of certain toxics in packaging, including mercury. On April 23, 2003, referred to Committee on Finance, Revenue and Bonding Committee.

<http://www.cga.state.ct.us/asp/menu/LegInfo.as>

http://www.cga.state.ct.us/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&bill_num=HB06401&which_year=200

- HB 6402 covers a wide range of environmental improvement activities. It has had an amendment (LCO No. 6357) which modifies the state's requirement for the

labeling of certain products which contain mercury, including fever thermometers, autos, button cell batteries, backlights, and products that have a mercury-containing component. Adopted by both the House and the Senate (June 3, 2003) with Amendment Schedule B, but without the above amendment on the labeling of mercury-containing products (LCO No. 6357). Became law as Public Act 03-218 on June 16, 2003.

<http://prdbasis.cga.state.ct.us/BASIS/TSAMDHP/LIN1/AMD/MSF>

- HB 6623 makes some technical revisions for the labeling of high intensity lamps which contain mercury to allow labeling of the package. Adopted into law as Public Act 03-123 on June 5, 2003.
<http://prdbasis.cga.state.ct.us/BASIS/TSAMDHP/LIN1/AMD/MSF>
- SB 1157 would require labeling of high intensity lamps with mercury in them. It also has an amendment with the same provisions that the amendment to HB 6402 provides. Became law as Public Act 03-276 on June 19, 2003.

<http://prdbasis.cga.state.ct.us/BASIS/TSAMDHP/LIN1/AMD/MSF>

Florida

- SB 1534, in section 403.7192, prohibits the sale of alkaline manganese and zinc-carbon batteries which have any intentionally added mercury and any mercury above 0.0004% by weight, a reduction from previous law that placed the limit at 0.025%. Signed into law on March 29, 2004.

http://www.flsenate.gov/Session/index.cfm?Mode=Bills&SubMenu=1&BI_Mode=ViewBillInfo&BillNum=153

SB 674 would set up a program for electronics disposal, including those products that have mercury-containing lamps. Introduced February 4, 2003, referred to five committees and subcommittees. It was withdrawn from further consideration on April 25, 2003.

http://www.flsenate.gov/Session/index.cfm?Mode=Bills&SubMenu=1&BI_Mode=ViewBillInfo&BillNum=067

Georgia

HB 442 would prohibit the use of mercury amalgam fillings in women younger than 45 years old and men younger than 18 and require that dentists provide patients information on the use of amalgam fillings. Had a second reading on February 26, 2003. In the Committee on Health and Human Services.

http://www.legis.state.ga.us/legis/2003_04/sum/hb442.htm

Hawaii

SB 29 directs department of health to adopt rules to establish a cathode ray tube recycling program by July 1, 2008 Adopted unanimously by the Senate on March 4, 2003, and sent to the House, where it was recommended by Energy and Environmental Protection Committee and sent on to the Finance Committee on March 20, 2003. On August 21, 2003, the bill was carried over to the 2004 session.

http://www.capitol.hawaii.gov/sessioncurrent/bills/sb29_.htm

<http://www.capitol.hawaii.gov/site1/docs/getstatus2.asp?billno=SB29>

SB 3163. The purpose of this Act is to mandate the State's participation in the Network campaign (such as NEPSI) through the development of an electronic products stewardship advisory committee within the department of business, economic development, and tourism to review and analyze current practices and develop a plan for the purchase, use, and disposal of electronic products in a manner that reduces the negative impacts of used electronic products on the environment. Introduced on January 28, 2004, referred to three committees (ENE (Energy and Environment), SAT (Science, Arts and Technology), WAM(Ways and Means)), and recommended unanimously for adoption by SAT and ENE on February 12, 2004. Currently in Ways and Means.

http://www.capitol.hawaii.gov/sessioncurrent/bills/sb3163_.htm

<http://www.capitol.hawaii.gov/site1/docs/getstatus2.asp?billno=SB3163>

Illinois

2004 session

HB 5915 sets forth restrictions on the disposal of waste electronics along with an electronics recycling program, in part due to the presence of mercury. It is identical to SB 2570. Introduced February 6, 2004 and referred to the Rules Committee.

<http://www.legis.state.il.us/legislation/93/hb/09300hb5915.htm>

<http://www.legis.state.il.us/legislation/BillStatus.asp?DocNum=5915&GAID=3&DocTypeID=HB&LegId=11018&SessionID=>

SB 2551. The original bill provides that the Environmental Protection Agency may participate in the establishment and implementation of a multi-state clearinghouse to assist in carrying out the purpose of mercury

reduction. Provides that beginning July 1, 2005, no mercury-added product may be offered for final sale or use or distributed for promotional purposes in the State without the prior written notification to the Environmental Protection Agency by the manufacturer of the product. Sets forth the requirements for this notification. Set forth restrictions on the purchase or sale of certain mercury-added products. Provides that beginning July 1, 2006, no person may crush, shred, flatten, or otherwise process a motor vehicle for scrap metal without first making a good faith effort to remove any mercury light switches and mercury headlights. Provides that, on or before January 1, 2006, the Pollution Control Board must modify its rules governing universal hazardous waste as appropriate to promote the recycling, recovery, and proper management of elemental mercury and mercury-added products on a statewide basis. Sets forth penalties for violations of this Act. Amends the Environmental Protection Act. Adds "vehicle recycler" to the list of persons who may not knowingly shred, scrap, dismantle, recycle, incinerate, handle, store, or otherwise manage any white good that contains any white components. Provides that no owner, operator, agent, employee of a junkyard or scrap dealership, or vehicle recycler may knowingly shred, scrap, dismantle, recycle, incinerate, handle, store, or otherwise manage any end-of-life motor vehicle that contains any mercury-added component. Defines "vehicle recycler", "end-of-life motor vehicle", and "mercury-added component".

It has been passed — after amendment—by both houses and now amends the Environmental Protection Act. Defines "mercury relay" and "mercury switch". Prohibits the following : (i) beginning July 1, 2005, the purchase or acceptance, for use in a primary or secondary school classroom, of bulk elemental mercury, chemicals containing mercury compounds, or instructional equipment or materials containing mercury added during their manufacture; and (ii) beginning July 1, 2007, the sale, offer to sell, distribution, or offer to distribute a mercury switch or mercury relay individually or as a product component. Excludes certain products from these prohibitions. Requires the manufacturer of a mercury switch or mercury relay or certain other products containing mercury to apply to the Illinois Environmental Protection Agency for a 5-year exemption from these prohibitions by July 1, 2006 and establishes a process for the application and renewal of the exemption. Requires the Agency to report to the Governor and the General Assembly by July 1, 2006 concerning programs to reduce and recycle mercury from mercury thermostats and mercury vehicle components. Designates mercury switches or mercury relays, and scientific instruments and instructional equipment containing mercury added during their manufacture as universal waste subject to the streamlined hazardous waste rules of the Illinois Administrative Code. Provides that, if the United States Environmental Protection Agency adopts streamlined hazardous waste rules pertaining to the management of mercury switches or mercury relays, and scientific instruments and

instructional equipment containing mercury added during their manufacture or otherwise exempts those items from regulation as hazardous waste, then the Pollution Control Board shall adopt equivalent rules. It is on the Senate Calendar for concurrence with the House version.

<http://www.legis.state.il.us/legislation/93/sb/09300sb2551.htm>

<http://www.legis.state.il.us/legislation/BillStatus.asp?DocNum=2551&GAID=3&DocTypeID=SB&LegID=8913&SessionID=3&GA=93>

SB 2570 sets forth restrictions on the disposal of waste electronics along with an electronics recycling program, in part due to the presence of mercury; it is identical with HB 5915. Introduced February 4, 2004 and referred to the Environment and Energy Committee and re-referred to the Rules Committee on February 27, 2004.

<http://www.legis.state.il.us/legislation/93/sb/09300sb2570lv.htm>

<http://www.legis.state.il.us/legislation/BillStatus.asp?DocNum=2570&GAID=3&DocTypeID=SB&LegID=9026&SessionID=3>

2003 session

HB 0411 and SB 0371 would prohibit the sale, distribution and manufacture of mercury fever thermometers after July 1, 2004, but would exempt thermometers sold or provided to be used in health care facilities. The House Bill was re-referred to Rules Committee on March 13, 2003. The Senate bill has been adopted by both houses as of May 29, 2003, and sent to the Governor, who vetoed it on August 18, 2003.

<http://www.legis.state.il.us/legislation/93/hb/09300hb0411.htm>

<http://www.legis.state.il.us/legislation/billstatus.asp?DocNum=0411&GAID=3&DocTypeID=HB&LegID=834&SessionID=3>

<http://www.legis.state.il.us/legislation/billstatus.asp?DocNum=00371&GAID=3&DocTypeID=SB&LegID=2955&SessionID=3>

- HB 1530 and SB 0351 prohibit the sale, distribution and manufacture of mercury fever thermometers and mercury-added novelty products after July 1, 2004, exempting thermometers sold or provided to be used in health care facilities. Signed into law on July 10, 2003 as Public Act 93-0165.

<http://www.legis.state.il.us/legislation/publicacts/fulltext.asp?Name=093-0165>

HB 1165 would set up a Computer Equipment Disposal and Recycling Commission, with the bill noting the presence of mercury in computers. It has been adopted by both houses and was sent to the Governor on June 13, 2003. The Governor vetoed the bill on July 30, 2003 and the bill has been placed on the Legislature's veto calendar for November 4, 2003.

<http://www.legis.state.il.us/legislation/93/hb/09300hb1165.htm>

<http://www.legis.state.il.us/legislation/billstatus.asp?DocNum=1165&GAIID=3&DocTypeID=HB&LegID=1736&SessionID=3>

SB 455 would prohibit the use of mercury amalgams in dental procedures for pregnant women and for children under 8 years in age. Re-referred to the Rules Committee on March 14, 2003.

<http://www.legis.state.il.us/legislation/billstatus.asp?DocNum=0351&GAIID=3&DocTypeID=SB&LegID=2107&SessionID=3>

<http://www.legis.state.il.us/legislation/93/sb/09300sb0455.htm>

Indiana

2004 session

HB 1312 would allow solid waste districts to conduct education and collection programs for mercury and mercury-containing products. Introduced on January 15, 2004, referred to Ways and Means Committee.

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2004&session=1&request=getBill&docno=1312>

<http://www.in.gov/legislative/bills/2004/IN/IN1312.1.html>

2003 session

HB 1300 would allow solid waste districts to conduct education and collection programs for mercury and mercury-containing products. Introduced January 13, 2003, read first time and referred to Committee on Ways and Means. See SB 208, which was adopted into law.

<http://www.in.gov/legislative/bills/2003/IN/IN1300.1.html>

http://www.in.gov/serv/lisa_billinfo?year=2003&session=1&request=getBill&docno=1300

HB 1674 would allow solid waste districts to conduct education and collection programs for mercury and mercury-containing products. Introduced on January 21, 2003, read first time and referred to Committee on Environmental Affairs. See SB 208, which was adopted into law.

<http://www.in.gov/legislative/bills/2003/IN/IN1674.1.html>

http://www.in.gov/serv/lisa_billinfo?year=2003&session=1&request=getBill&docno=1674

HB 1839 would prohibit the sales or installation of mercury-vapor lamps and require their removal by January 1, 2006. It would also prohibit the sales or installation of outdoor fluorescent lamps. January 23, 2003, read first time and referred to Committee on Commerce and Economic Development.

<http://www.in.gov/legislative/bills/2003/IN/IN1839.1.html>

http://www.in.gov/serv/lisa_billinfo?year=2003&session=1&request=getBill&docno=1839

- SB 208 provides that solid waste management plans can provide for public education on mercury reuse and recycling and implement mercury collection programs. Adopted and signed into law.

<http://www.state.in.us/legislative/bills/2003/ES/ES0208.1.html>

Kentucky

SB 141 would prohibit the use of mercury dental restorations (with some exceptions) and the use of thimerosal in vaccinations and require that health plans provide for coverage of non-mercury alternatives. Introduced on February 3, 2004, referred to Committee on Health and Welfare.

<http://www.lrc.state.ky.us/record/04rs/sb141/bill.doc>

<http://www.lrc.state.ky.us/record/04rs/SB141.htm>

Maine

2004 session

- LD 1661 is an Act to Ban the Sale of Novelties Containing Batteries with Mercury, but was modified to instead require the Department of Environmental Protection to do studies on mercury-containing and other batteries and report back to the Legislature by January 14, 2005. Signed into law as Chapter 125.

<http://janus.state.me.us/legis/LawMakerWeb/summary.asp?LD=1661>

<http://janus.state.me.us/legis/LawMakerWeb/externalsiteframe.asp?ID=280011919&LD=1661&Type=1>

- LD 1901 would have required manufactures of thermostats to establish at least 100 places within Maine for the collection and recycling of mercury thermostats, along with financial incentives to promote their recycling. This was amended to only require incentives and information for promoting the recycling of thermostats in the state and to require that wholesalers who sell mercury thermostats serve as collection centers for their recycling or participate with such a collection center. Signed into law as Chapter 640.

<http://janus.state.me.us/legis/LawMakerWeb/summary.asp?LD=1901>

<http://www.mainelegislature.org/legis/bills/billtexts/ld190101-1.asp>

2003 session

LD 134 would have required that by January 1, 2004 the Department of Environmental Protection shall establish rules for dental offices and other places where mercury amalgam fillings are prepared, used, removed, replaced or repaired relative to the use of environmentally appropriate disposal equipment for amalgam waste to trap and dispose of mercury. Placed in Legislative Files on March 27, 2003, and labeled as dead.

<http://www.mainelegislature.org/legis/bills/billtexts/ld013401-1.asp>

<http://janus.state.me.us/legis/LawMakerWeb/summary.asp?LD=134>

- LD 385 is an act to change the reporting requirements for the mercury switch removal program for motor vehicles; the first report is now due January 1, 2004. Signed into law on March 18, 2003 as Public Laws 2003, Chapter 6.

<tp://www.mainelegislature.org/legis/bills/billtexts/ld038501-1.asp>

<http://janus.state.me.us/legis/LawMakerWeb/summary.asp?LD=385>

- LD 697 would require the installation by December 31, 2004 of dental amalgam separator systems in dental offices that place or remove dental amalgams. If installed prior to March 20, 2003, such separators must achieve a minimum of a 95%, while separators installed on or after that date must have a minimum of a 98% removal efficiency, with efficiencies to be determined by ISO 11143. Signed by Governor May 27, 2003 as Public Laws 2003, Chapter 301.

<http://www.mainelegislature.org/legis/bills/billtexts/LD069701-1.asp>

<http://janus.state.me.us/legis/LawMakerWeb/summary.asp?LD=697>

- LD 743 bans the incineration and landfilling of electronic equipment, in part due to the mercury in these products. The original bill would have required the elimination of mercury in electronics sold in Maine by 2006, and, unless proven otherwise, mercury-contaminated soil near landfills is presumed to be polluted by electronics. Under a substitute amendment, the landfill and incineration bans are adopted but the other provisions are eliminated and, with a stakeholder's group, the Department of Environmental Protection is to prepare a recommended plan for the collection and recycling of CRTs and submit the plan to the Legislature by January 30, 2004. Signed by the Governor May 14, 2003 as Public Laws 2003, Chapter 150.

<http://www.mainelegislature.org/legis/bills/billtexts/ld074301-4.asp>

<http://janus.state.me.us/legis/LawMakerWeb/summary.asp?LD=743>

<http://janus.state.me.us/legis/LawMakerWeb/externalsiteframe.asp?ID=280008950&LD=743&Type=4>

- LD 1159 is known as the "An Act to Reduce Mercury Use in Measuring Devices and Switches", with some exceptions, bans the sale of mercury switches, relays and measuring devices as of July 1, 2006. Measuring devices include barometers; esophageal dilators, bougie tubes and gastrointestinal tubes; flow meters; hydrometers; hygrometers and psychrometers; manometers; pyrometers; sphygmomanometers; and thermometers. Signed by the Governor on May 19, 2003 and now known as Public Laws 2003, Chapter 221.

<http://www.mainelegislature.org/legis/bills/ld.asp?LD=1159>

- LD 1549, as originally introduced, provided revenue from a fee on paints and related materials and pesticides to help fund municipal household hazardous waste collection programs to help implement the state ban on the disposal of mercury containing products, which is effective in January 2005. The fee provisions were removed and DEP instead is directed to conduct a study regarding ongoing sources of funding for HHW collection. The study is due January 4, 2004. Adopted into law as Public Laws 2003, Chapter 30 on June 18, 2003.

<http://janus.state.me.us/legis/LawMakerWeb/externalsiteframe.asp?ID=280010499&LD=1549&Type=1>

Maryland

2004 session

HB 136 would prohibit manufacturers and retailers from selling, on or after April 1, 2006, specified products that contain mercury unless a specified label is affixed to the product; exempting specified products that contain mercury from the labeling and disposal requirements; providing for specified information to be included on the label; requiring a person with a specified number of fluorescent lamps to handle them through reclamation facilities, on or after October 1, 2006, unless specified conditions have been met; etc. Introduced on January 19, 2004, amended and adopted by the House by a vote of 136-4 on March 19, 2004 and sent to the Senate, where it was adopted by a vote of 46-0 in early April.
<http://mlis.state.md.us/2004rs/billfile/hb0136.htm>

2003 session

HB 62 would require labeling of specific products with mercury after April 1, 2005 and the disposal of specific mercury-containing products after October 1, 2005, unless certain conditions are met. Introduced on January 21, 2003 and referred to Environmental Matters, where it had an unfavorable report on February 24, 2003.

<http://mlis.state.md.us/2003rs/billfile/hb0062.htm>

HB 348 would require each agency to purchase environmental preferable products, with one goal to reduce mercury in the waste stream Identical with SB 541. Adopted by the House with amendments on March 21, 2003, changing the requirement into a review, evaluation and report on the feasibility of purchasing environmentally preferable products, with a possible pilot project. In the Senate Committee on Education, Health, and Environmental Affairs.

<http://mlis.state.md.us/2003rs/billfile/hb0348.htm>

SB 541 is the same as HB 348 above. Introduced January 31, 2003 and assigned to Education, Health, and Environmental Affairs. A hearing was held on March 6, 2003.

<http://mlis.state.md.us/2003rs/billfile/sb0541.htm>

Massachusetts

H 1165 would require owners of commercial, industrial, institutional, governmental, and multi-residential properties of 6 units or more to establish recycling programs and to notify their tenants and building occupants of programs for the collection of mercury-added waste products, along with other specified materials. Referred to the Committee

on Natural Resources and Agriculture. Hearing scheduled for May 15, 2003. In February 2004, accompanied a study order for HB 4539.

<http://www.state.ma.us/legis/bills/house/ht01165.htm>

<http://www.state.ma.us/legis/history/h01165.htm>

H 1906 is known as the "Mercury-Free Vehicle Act of 2003" and would require manufacturers to establish programs to remove and recover mercury-containing vehicle switches. It was introduced on January 1, 2003 and referred to the Committee on Natural Resources and Agriculture, which held a hearing on May 15, 2003. The Committee reported out a favorable bill on February 2, 2004 under the number of H 3003. In February 2004, accompanied a new draft, HB 4517

<http://www.state.ma.us/legis/bills/house/ht01906.htm>

<http://www.state.ma.us/legis/history/h01906.htm>

H 2482 would prohibit the disposal of mercury-containing waste products as solid waste and promote and ensure the proper collection, transportation and recycling and disposal of all mercury-containing waste products with an emphasis on using existing systems to achieve these ends. It was introduced on January 1, 2003 and referred to the Committee on Natural Resources and Agriculture, which held a hearing on May 15, 2003.

<http://www.state.ma.us/legis/bills/house/ht02482.htm>

<http://www.state.ma.us/legis/history/h02482.htm>

H 3003 is known as the "Mercury-Free Vehicle Act of 2003" and would require manufacturers to establish programs to remove and recover mercury-containing vehicle switches. It was introduced on January 1, 2003 and referred to the Committee on Natural Resources and Agriculture, which held a hearing on May 15, 2003. The Committee reported out a favorable bill on February 2, 2004, but which is not yet available on the Internet. On February 19, 2004, accompanied a new draft, see HB 4517.

<http://www.state.ma.us/legis/bills/house/ht03521.htm>

H 3521 would require dentists to install amalgam separators that are demonstrated to remove at least 95% of the waste amalgam containing mercury. Assigned to the Joint Committee on Health Care, which held a hearing on June 11, 2003, reported favorably by that committee on February 10, 2004 and referred to the Committee on Science and Technology.

<http://www.state.ma.us/legis/bills/house/ht03521.htm>

<http://www.state.ma.us/legis/history/h03521.htm>

H 4517 is a new draft of H1906 and H3003, and designed to eliminate mercury emissions from automobiles, but the text was not available on the Internet. In the House Ways and Means Committee.

<http://www.state.ma.us/legis/history/h04517.htm>

SB 692 and companion H 2482 are comprehensive mercury product reduction bills, requiring manufacturers to report to the state on the sales of mercury-added products, a phase-out of products with mercury, a ban on the landfilling of mercury-added products and participation in a multi-state mercury clearinghouse. Assigned to the Committee on Health Care and then to the Committee on Natural Resources and Agriculture. Hearings were held on May 15, 2003, but there has not been any action since then.

<http://www.state.ma.us/legis/bills/st00692.htm>

<http://www.state.ma.us/legis/history/s00692.htm>

SB 1269 directs each city and town to develop a Clean Sweep facility to be open at least one day a week and collect a wide range of products, including fluorescent lamps, batteries and mercury-containing products such as fluorescent bulbs, thermometers and thermostats. Assigned to the Committee on Natural Resources and Agriculture, which held a hearing on September 18, 2003, but has not taken any further action.

<http://www.state.ma.us/legis/bills/st01269.htm>

<http://www.state.ma.us/legis/history/s01269.htm>

SB 2131 had as its main purpose job creation and maintenance, but would have established a sustainable business task force of the commonwealth development coordinating council, with duties to include establishing a one-stop-shop for Massachusetts businesses and non-profit organizations to help them realize the economic benefits associated with environmentally preferable business activities such as: recycling and waste reduction; mitigating climate change; promoting environmentally preferable products and reducing the use of mercury and toxics. Introduced on November 6, 2003, it was later merged into several house bills, where the task force was removed.

<http://www.state.ma.us/legis/bills/st02131.htm>

<http://www.state.ma.us/legis/billsrch.htm>

Michigan

SB 94 would prohibit the use of mercury in hospitals after December 31, 2005, unless no mercury-free product is available. Introduced January 28, 2003, referred to Committee on Natural Resources and Environmental Affairs.

<http://michiganlegislature.org/mileg.asp?page=getObject&objName=2003-SB-0094&userid=>

Minnesota

HF 2123 is a companion to SF 1935 for the removal of mercury switches from automobiles. Introduced February 16, 2004 and sent to Committee on Environment and Natural Resources Policy.

<http://www.leg.state.mn.us/leg/legis.asp>

HF 2602 is a companion to SF 1934 for the removal of mercury switches from automobiles. Introduced March 1, 2004 and referred to Committee on Environment and Natural Resources Policy. Recommended for adoption in late March and re-refer to Rules and Legislative Administration

<http://www.leg.state.mn.us/leg/legis.asp>

SF 1934. Requiring motor vehicle manufacturers by a certain date to implement individually or as a group a program to remove, collect and recover mercury switches before crushing or shredding motor vehicles, specifying certain program component requirements; requiring manufacturers to bear the total cost of the collection program; requiring manufacturers to submit a plan for the collection program to the commissioner of the pollution control agency (PCA) for review and approval, requiring subsequent periodic review; requiring manufacturer annual reports to the commissioner relating to the performance of the plan; prohibiting misrepresentation of the removal of mercury switches from motor vehicles; providing for a phase out of mercury added components in motor vehicles, providing for certain exemptions, specifying certain labeling requirements; requiring manufacturers to design motor vehicles to limit hazardous substances; modifying certain other provisions regulating mercury emissions for conformity purposes. Introduced on February 12, 2004 and referred to Environment and Natural Resources Committee. Recommended for adoption in mid-March as amended and re-referred to Finance.

<http://www.leg.state.mn.us/leg/legis.asp>

SF 1935. Requiring motor vehicle manufacturers by a certain date to implement individually or as a group a program to remove, collect and recover mercury switches before crushing or shredding motor vehicles, specifying certain program component requirements; requiring manufacturers to bear the total cost of the collection program; requiring manufacturers to submit a plan for the collection program to the commissioner of the pollution control agency (PCA) for review and approval, requiring subsequent periodic review; requiring manufacturer annual reports to the commissioner relating to the performance of the plan; prohibiting misrepresentation of the removal of mercury switches from motor vehicles; modifying certain other provisions regulating mercury emissions for conformity purposes. Introduced on February 12, 2004 and referred to Environment and Natural Resources Committee.

<http://www.leg.state.mn.us/leg/legis.asp>

Missouri

HB 852 would prohibit the use of mercury in vaccinations and dental restorations after January 1, 2005. It has been adopted by the House and sent to the Senate, where it was referred to the Aging, Families, Mental and Public Health Committee.

<http://www.senate.state.mo.us/senmogov/04info/house/bills/hb852.htm>

Nebraska

2004 session

LB 1158 prohibits the use of mercury in immunizations. Introduced on January 20, 2004. Referred to Health and Human Services Committee. Placed on General File on February 17, 2004.

http://srvwww.unicam.state.ne.us/pdfs/current/INTRO_LB1158.pdf

<http://www.unicam.state.ne.us/scripts/dbBSInfo.asp?Prefix=LB&BillNumber=1158&Suffix=&Session=>

2003 session

- LB 17 incorporates provisions of LB 136 and prohibits the sale and distribution of liquid mercury thermometers. Approved by the Governor May 29, 2003.

http://srvwww.unicam.state.ne.us/pdfs/XCVIII/R1/slip/SLIP_LB17.pdf

LB 136 would prohibit the sale and distribution of mercury fever thermometers. Advanced to the General File with Amendments to cover liquid mercury thermometers. The Nebraska Nurses Association is registered as supporters; there are no opponents registered.

http://search.unicam.state.ne.us/pdfs/intro_lb136.pdf

<http://www.unicam.state.ne.us/scripts/dbBSInfo.asp?Prefix=LB&BillNumber=136&Suffix=&Session=>

LB 301 creates the Electronic Equipment Recycling Act, in part due to the mercury in this equipment. Advanced to the General File with Amendments. Supporters include 10 listings, while there 3 opponents listed, including the League of Nebraska Municipalities and the Nebraska Chapter of the Solid Waste Association of North America.

http://search.unicam.state.ne.us/pdfs/intro_lb301.pdf

http://srvwww.unicam.state.ne.us/pdfs/current/CommitteeStatement_LB301.pdf

<http://www.unicam.state.ne.us/scripts/dbBSInfo.asp?Prefix=LB&BillNumber=301&Suffix=&Session=>

New Hampshire

HB 366 is a comprehensive bill to reduce the use of mercury in products based on the NEWMOA model. Similar legislation was introduced last session, but was not adopted. This bill contains several modifications to last session's bill. Adopted by the House, in the Senate Committee on Interstate Cooperation.

<http://gencourt.state.nh.us/legislation/2003/HB0366.html>

<http://www.gencourt.state.nh.us/index/indexstatus.asp?expbillno=hb0366&txtsessionyear=2004>

SB 185 would require vehicle manufacturers to set up a program to recover mercury switches in automobiles, with an effective date of January 1, 2004. The bill has been labeled as killed.

<http://gencourt.state.nh.us/legislation/2003/SB0185.html>

SB 373 bans the disposal of mercury-containing products into waste going to transfer stations, landfills and incinerators and requires generators to separate out these products and either recycle them or dispose of them as

hazardous waste. Introduced on January 7, 2004. In the Senate Committee on Interstate Cooperation.

<http://www.gencourt.state.nh.us/index/indexstatus.asp?expbillno=sb0373&txtsessionyear=2004>

New Jersey

In the 2004-2005 session, two bills on mercury in products have been introduced.

A2482 establishes a program for the removal of mercury switches from scrapped vehicles. Introduced on March 11, 2004, it was referred to Assembly Environment and Solid Waste Committee.

http://www.njleg.state.nj.us/2004/Bills/A2500/2482_I1.PDF

<http://www.njleg.state.nj.us/bills/BillView.asp>

In the 2002-2003, one bill on mercury in products was introduced, but was not adopted.

S371 would ban the sale of all mercury thermometers. It is the same as S2315 and A3250 from last session. Introduced January 8, 2003 and referred to the Senate Environment Committee.

http://www.njleg.state.nj.us/2002/Bills/S0500/371_I1.HTM

New York

A05932 Enacts "The Mercury-Free Water Resources and Mercury Reduction Management Strategy Act of 2003" providing for: disclosure of mercury content, phase-out of mercury-added products, disposal prohibition, labeling, source separation, collection, requirements for sewage treatment plants, point source release containment traps, ban on sale or distribution of certain mercury products, replacement of manometers and gas pressure regulators (agriculture dept. to handle for dairy industry), regulates dental use and bans health insurance discrimination therein, requires lamp recycling; adds all mercury-added products to state universal waste rules; provides for a state advisory committee on mercury pollution; provides for penalties for violations. Referred to Environmental Conservation on January 7, 2004.

<http://assembly.state.ny.us/leg/?bn=A05932>

A06219 Prohibits the sale of mercury fever thermometers. Referred to Environmental Conservation on January 7, 2004.
<http://assembly.state.ny.us/leg/?bn=A06219>

A06259 Enacts the "mercury-free vehicle act of 2004" and requires automobile manufacturers to establish and implement plans which provides for the removal, replacement, collection and recovery of mercury-added components from motor vehicles currently on the road or about to be scrapped; such plans shall be subject to the review and approval of the commissioner of environmental conservation; requires mercury-added components to be removed from motor vehicles prior to recycling; requires manufacturers to phase-out the use of mercury-added components in new cars; establishes civil penalties for violations; grants a preference to mercury-free vehicles in state purchasing. Referred to Environmental Conservation. on January 7, 2004.
<http://assembly.state.ny.us/leg/?bn=A06259>

A06416 prohibits the use, purchase and storage of mercury and mercury instruments in schools; mercury instruments may continued to be used if no reasonably acceptable mercury-free alternative is available, so long as the mercury instrument used has the lowest mercury content available; directs the commissioner of health to compile, produce and distribute material advising schools of the hazards of elemental mercury and how to reduce such hazards. Referred to the Education Committee on January 7, 2004.

<http://assembly.state.ny.us/leg/?bn=A06416>

A10051 requires the manufacturer of each mercury-added consumer product to conspicuously label each such product with notice that it must be properly disposed of or recycled; prohibits the sale of any such product which is not so labeled; establishes requirements for the disposal and recycling of mercury-added consumer products; creates the advisory committee on mercury pollution. Introduced on March 2, 2004, and referred to Environmental Conservation and on March 23, 2004, reported referred to Codes <http://assembly.state.ny.us/leg/?bn=A10051>

S03604 Prohibits the use of mercury-containing gauges and manometers and the sale of mercury-containing fever thermometers; defines terms; provides for civil penalties for violations. Referred to Environmental Conservation Committee on January 7, 2004.

<http://assembly.state.ny.us/leg/?bn=S03604>

S06457 is the same as A06416 and prohibits the use, purchase and storage of mercury and mercury instruments in schools; mercury instruments may

continued to be used if no reasonably acceptable mercury-free alternative is available, so long as the mercury instrument used has the lowest mercury content available; directs the commissioner of health to compile, produce and distribute material advising schools of the hazards of elemental mercury and how to reduce such hazards. Referred to the Education Committee on March 12, 2004.

<http://assembly.state.ny.us/leg/?bn=S06457>

Oregon

HB 3395 Requires person selling or distributing product containing elemental mercury or mercury compounds to notify Director of Human Services. Prohibits sale of product containing elemental mercury or mercury compounds without label. Specifies contents of label. Requires catalog, telephone and Internet sellers of products containing elemental mercury or mercury compounds to advise purchaser that product contains mercury. Requires manufacturer of product containing elemental mercury or mercury compounds to develop plan for recycling and collection of product. Defines manufacturer. Specifies contents of plan. Requires report to Department of Environmental Quality on effectiveness of plan. Referred to Environment and Land Use and subsequently referred to Ways & Means. Hearings held on April 3, 2003 and April 8, 2003.

<http://www.leg.state.or.us/03reg/asures/hb3300.dir/hb3395.intro.html>

<http://www.leg.state.or.us/03reg/pubs/hsemh.html>

SB 633 would establish a state policy against the discharge of mercury into the waters or ground of Willamette Basin, prohibiting the discharge of elemental mercury by January 1, 2010. Referred to Water and Land Use Committee and then Revenue Committee.

<http://www.leg.state.or.us/03reg/asures/sb0600.dir/sb0633.intro.html>

<http://www.leg.state.or.us/03reg/pubs/senmh.html>

SB 681 Requires written informed consent prior to procedure or treatment that uses dental materials containing mercury. Prohibits use of dental materials containing mercury in women of child-bearing age or in children. Prohibits use of dental materials containing mercury in people with metal orthodontic devices in their mouths. Prohibits use of dental materials containing mercury after July 1, 2007. Referred to Human Resources Committee.

<http://www.leg.state.or.us/03reg/asures/sb0600.dir/sb0681.intro.html>

<http://www.leg.state.or.us/03reg/pubs/senmh.html>

SB 695 directs the Department of Human Services to conduct a study of mercury amalgam fillings in human teeth and environmental sources of mercury ingestion. Directs Oregon Health and Science University to assist department in conducting study. Referred to Human Resources Committee, then to Way and Means Committee.

<http://www.leg.state.or.us/03reg/asures/sb0600.dir/sb0695.intro.html>

<http://www.leg.state.or.us/03reg/pubs/senmh.html>

SB 701 directs the Department of Environmental Quality to conduct study of methods that may be used to chemically treat solid waste that contains mercury. Referred to Agriculture and Natural Resources Committee, then to Ways and Means Committee.

<http://www.leg.state.or.us/03reg/asures/sb0700.dir/sb0701.intro.html>

<http://www.leg.state.or.us/03reg/pubs/senmh.html>

SB 818 Requires person selling or distributing product containing elemental mercury or mercury compounds to notify Director of Human Services. Prohibits sale of product containing elemental mercury or mercury compound without label. Specifies contents of label. Requires catalog, telephone and Internet sellers of products containing elemental mercury or mercury compounds to advise purchaser that product contains mercury. Requires manufacturer of product containing elemental mercury or mercury compounds to develop plan for recycling and collection of product. Defines manufacturer. Specifies contents of plan. Requires report to Department of Environmental Quality on effectiveness of plan. Directs Environmental Quality Commission to identify persons holding air quality or water quality permit that allows emission of more than 10 pounds of mercury per year. Directs identified persons to submit mercury reduction plan to Department of Environmental Quality. Directs department to require reductions in mercury emissions under certain conditions. Referred to Agriculture and Natural Resources Committee, which held a hearing on March 17, 2003.

<http://www.leg.state.or.us/03reg/asures/sb0800.dir/sb0818.intro.html>

<http://www.leg.state.or.us/03reg/pubs/senmh.html>

Rhode Island

2004 session

H 7179 This act would establish the "Mercury-Free Vehicle Act."
Introduced January 14th, 2004 and referred to House
Environment/Conservation/Natural Resources Accountability. Hearing or
action scheduled for March 31, 2004.

[http://www.rules.state.ri.us/billtracker/index.php?page=show_detail.php&
id=721646](http://www.rules.state.ri.us/billtracker/index.php?page=show_detail.php&id=721646)

H 7527 This act would require that producers of electronic waste be
financially and environmentally responsible for this waste and its disposal.
Transferred to House Finance Committee on February 12, 2004.

[http://www.rules.state.ri.us/billtracker/index.php?page=show_detail.php&
id=722161](http://www.rules.state.ri.us/billtracker/index.php?page=show_detail.php&id=722161)

S 2043 This act would extend exemption dates for certain recycled
packaging materials and add language exempting certain glass or ceramic
packaging components in existing legislation that calls for the reduction of
lead, mercury, cadmium and hexavalent chromium in packaging or
packaging materials used or sold within the state. Added language
explicitly states that this act would apply to any packaging material
produced domestically or in a foreign country. Introduced January 13th,
2004 and referred to Senate Environment and Agriculture Committee.

[http://www.rules.state.ri.us/billtracker/index.php?page=show_detail.php&
id=721557](http://www.rules.state.ri.us/billtracker/index.php?page=show_detail.php&id=721557)

S 2044 This act would require by definition that a product, commodity,
chemical, or a product with a component containing ten (10) milligrams or
more of mercury or a mercury compound to qualify as a mercury-added
product. . Introduced January 13th, 2004 and referred to Senate
Environment and Agriculture Committee.

[http://www.rules.state.ri.us/billtracker/index.php?page=show_detail.php&
id=721558](http://www.rules.state.ri.us/billtracker/index.php?page=show_detail.php&id=721558)

S 2453 This act would establish the "Mercury-Free Vehicle Act."
Introduced February 11th, 2004 and no further action has been taken.

[http://www.rules.state.ri.us/billtracker/index.php?page=show_detail.php&
id=722651](http://www.rules.state.ri.us/billtracker/index.php?page=show_detail.php&id=722651)

The 2003 session adopted two bills to modify the state's Mercury Reduction and Education Act, H 6610 and S 0578Aaa

H 5356, the "Mercury-Free Vehicle Act", would require vehicle manufacturers to develop and implement a plan to remove and recover mercury switches with a minimum 90% capture rate. Introduced January 30, 2003. To Joint Committee on Environment & Energy and House Environment and Natural Resources Committee.

http://www.rules.state.ri.us/billtracker/index.php?page=show_detail.php&id=3571

<http://dirac.rilin.state.ri.us/BillStatus/WebClass1.ASP?WCI=Index&WCE=callBillStatus&WCU&>

H 6040 would modify existing statutes that put a fee on hard to dispose of materials by adding a 50¢ fee to fluorescent bulbs of any size and mandate that the state Resource Recovery Corporation set up a system to accept fluorescent lamps from all sources. Referred to Joint Environment & Energy, but later withdrawn by the request of the sponsor.

<http://www.rilin.state.ri.us/BillText/BillText03/HouseText03/H6040.htm>

<http://dirac.rilin.state.ri.us/BillStatus/WebClass1.ASP?WCI=Index&WCE=callBillStatus&WCU&>

H 6149 modifies the state's "Mercury Reduction and Education Act". Referred to Health Education and Welfare, it is a companion bill to S 0029. Referred to Committee on Health, Education and Welfare, but later withdrawn by the request of the sponsor.

<http://www.rilin.state.ri.us/BillText/BillText03/HouseText03/H6149.htm>

<http://dirac.rilin.state.ri.us/BillStatus/WebClass1.ASP?WCI=Index&WCE=callBillStatus&WCU&>

H 6196 would add fluorescent lamps to the definition of hard to dispose wastes and require the state Resource Recovery Corporation to set up a recycling program for them. Referred to Health, Education & Welfare Committee.

<http://www.rilin.state.ri.us/BillText/BillText03/HouseText03/H6196.htm>

<http://dirac.rilin.state.ri.us/BillStatus/WebClass1.ASP?WCI=Index&WCE=callBillStatus&WCU&>

H 6197 would amend the state's Mercury Reduction and Education Act, establishing requirements for the recycling of fluorescent lamps, with the state Resource Recovery Corporation to provide containers for the collection and recycling of fluorescents for any public building with more than 100 lamps. Referred to Health, Education & Welfare Committee.

<http://www.rilin.state.ri.us/BillText/BillText03/HouseText03/H6197.htm>

<http://dirac.rilin.state.ri.us/BillStatus/WebClass1.ASP?WCI=Index&WCE=callBillStatus&WCU&>

- H 6610 amends the state's Mercury Reduction and Education Act, changing the exemptions provided for novelties containing mercury, providing more time to meet the standards, and setting up a 14 person advisory committee which is to provide the Governor and the Legislature with several reports with recommendations for reducing and eliminating mercury hazards in Rhode Island. Became effective July 17, 2003 without the Governor's signature as 2003 Public Laws Chapter 328; it is identical with S 0578 Substitute A as amended and 2003 Public Laws Chapter 235.

<http://www.rilin.state.ri.us/PublicLaws/law03/law03328.htm>

<http://www.rilin.state.ri.us/BillText/BillText03/HouseText03/H6610.htm>

<http://dirac.rilin.state.ri.us/BillStatus/WebClass1.ASP?WCI=Index&WCE=callBillStatus&WCU&>

S 0029 would amend the mercury reduction and education act by amending the definition of a "mercury-added product" to be those products for which mercury was intentionally added in amounts of 10 milligrams or more. Introduced January 14, 2003. To the Senate Environment and Agriculture Committee. On April 21, 2003, the Committee recommended that this measure be held for further study.

http://www.rules.state.ri.us/billtracker/index.php?page=show_detail.php&id=2685

<http://dirac.rilin.state.ri.us/BillStatus/WebClass1.ASP?WCI=Index&WCE=callBillStatus&WCU&>

S 0030 would extend exemption dates for the elimination of mercury and other hazardous materials in packaging. Referred to Senate Committee on Environment and Agriculture. On April 21, 2003, Committee recommended measure be held for further study.

http://www.rules.state.ri.us/billtracker/index.php?page=show_detail.php&id=2686

<http://dirac.rilin.state.ri.us/BillStatus/WebClass1.ASP?WCI=Index&WCE=callBillStatus&WCU&>

S 0275 would establish the "Mercury-Free Vehicle Act", and is a companion to H 5356. There is no recorded action on this bill. On April 21, 2003, Committee recommended measure be held for further study.

http://www.rules.state.ri.us/billtracker/index.php?page=show_detail.php&id=3771

<http://dirac.rilin.state.ri.us/BillStatus/WebClass1.ASP?WCI=Index&WCE=callBillStatus&WCU&>

S 0578 would delay implementation of the state's mercury reduction program until the director of the state agency determines that other states in the inter-state clearinghouse have adopted similar rules. Referred to Senate Committee on Environment and Agriculture. On April 21, 2003, Committee recommended measure be held for further study. However, a substitute bill was later introduced and adopted, as listed below.

http://www.rules.state.ri.us/billtracker/index.php?page=show_detail.php&id=4738

<http://dirac.rilin.state.ri.us/BillStatus/WebClass1.ASP?WCI=Index&WCE=callBillStatus&WCU&>

- S 0578 Substitute A as amended modifies the state's Mercury Reduction and Education Act, providing more time to meet the standards, and setting up a 14 person advisory committee to provide the Governor and the Legislature with several reports with recommendations for reducing and eliminating mercury hazards in Rhode Island. Extensions are from July 13, 2003 to July 1, 2005 for those products with more than 1,000 milligrams or 250 parts per million (ppm) mercury; from July 13, 2005 to July 1, 2007 for those products with more than 100 milligrams or 50 ppm mercury and from July 13, 2007 to July 1, 2009 for those products with more than 10 milligrams or 10 ppm mercury. Specialized lighting used in the entertainment industry was exempted from these bans. Labeling requirements, disposal bans and the requirement for manufacturers to either set up their own or a cooperative collection system for their products were delayed until July 1, 2005. For novelties with mercury, the ban on their sales (as of January 1, 2003) was amended such that novelties with a mercury-added button cell battery as the novelty's only mercury-added component are now exempt from the ban. Under the old law, the exemption applied only to novelties with replaceable mercury-added button cell batteries. Adopted by the General

Assembly and sent to the Governor on July 7, 2003; became effective July 15, 2003 without the Governor's signature as 2003 Public Laws Chapter 235 and is identical with H 6610 and 2003 Public Laws Chapter 328.

<http://www.rilin.state.ri.us/PublicLaws/law03/law03235.htm>

<http://www.rilin.state.ri.us/Billtext/BillText03/SenateText03/S0578Aaa.pdf>

<http://dirac.rilin.state.ri.us/BillStatus/WebClass1.ASP?WCI=Index&WCE=callBillStatus&WCU&>

S 0640 is known as the "Mercury-Free Vehicle Act" and is identical with S 0275 and a companion to H 5356. Referred to Senate Environment & Agriculture Committee. On April 21, 2003, Committee recommended that this measure be held for further study.

<http://www.rilin.state.ri.us/BillText/BillText03/SenateText03/S0640.htm>

<http://dirac.rilin.state.ri.us/BillStatus/WebClass1.ASP?WCI=Index&WCE=callBillStatus&WCU&>

S 0851 is a resolution known as the "Mercury Safe School Program", in which the Senate of the State of Rhode Island and Providence Plantations encourages schools to participate in the mercury free schools program to eliminate or reduce and manage mercury-containing items within their schools. Referred to Senate Environment and Agriculture Committee. On April 21, 2003, Committee recommended this measure be held for further study.

http://www.rules.state.ri.us/billtracker/index.php?page=show_detail.php&id=5045

<http://dirac.rilin.state.ri.us/BillStatus/WebClass1.ASP?WCI=Index&WCE=callBillStatus&WCU&>

S 0853, is known as the "Mercury-Free Vehicle Act", and is a companion to H 5356. Referred to Senate Environment and Agriculture. On April 21, 2003, Committee recommended that the measure be held for further study.

http://www.rules.state.ri.us/billtracker/index.php?page=show_detail.php&id=5047

<http://dirac.rilin.state.ri.us/BillStatus/WebClass1.ASP?WCI=Index&WCE=callBillStatus&WCU&>

South Carolina

2004 session

S 841 would ban the sale of mercury thermometers, except by prescription. Introduced on January 13, 2004 and referred to Committee on Judiciary.

http://www.scstatehouse.net/sess115_2003-2004/prever/814_20040113.htm

2003 session

S 148 would set up an electronics recycling program, in part due to the mercury within the products. Introduced on January 14, 2003 and Referred to Committee on Agriculture and Natural Resources.

http://www.scstatehouse.net/cgi-bin/web_bh10.exe

Tennessee

HB 2679 is known as the Tennessee Electronic Waste Recycling Act, in part due to presence of mercury in electronics. Introduced on January 26, 2004 and referred to Government Operations. Withdrawn on March 23, 2004.

<http://www.legislature.state.tn.us/bills/currentga/Bill/HB2679.PDF>

SB 2500 is the senate companion to HB 2679. It was introduced on January 21, 2004 and referred to the Environment, Conservation and Tourism Committee, where it has been placed on the calendar for February 18, 2004. Withdrawn on March 22, 2004.

<http://www.legislature.state.tn.us/bills/currentga/Bill/SB2500.PDF>

Texas

The Texas Legislature is adjourned. It adopted into law one bill on mercury-contained products.

HB 129 would regulate the sale and distribution of mercury-containing products, including a ban on the sale of mercury fever thermometers unless by prescription. Would also prohibit the purchase of elemental and laboratory mercury-containing products in schools. Would establish a public education program on mercury and require manufacturers to report

to the state regarding mercury-containing products. Introduced on February 3, 2003 and referred to Public Health.

<http://www.capitol.state.tx.us/tlo/billsrch/textsrch.htm>

HB 963 Introduced on February 13, 2003 and builds upon HB 129 prohibiting the sale of novelties with mercury and adding an extensive enforcement section. Referred to Public Health Committee. Left pending in committee as of April 30, 2003.

<http://www.capitol.state.tx.us/tlo/billsrch/textsrch.htm>

HB 1891 requires the labeling of ingredients in drugs, including mercury and is a companion to SB 1400. In the Public Health Committee. House bill had been recommended for adoption without dissent.

<http://www.capitol.state.tx.us/tlo/billsrch/textsrch.htm>

HB 2967 would establish a program for the safe handling of electronic refuse, including a prohibition on the sale of equipment with mercury in it. Referred to Environmental Regulation. It is a companion to SB 1239. Both were left pending in committee as of May 6, 2003.

<http://www.capitol.state.tx.us/tlo/billsrch/textsrch.htm>

- SB 1400 requires the labeling of ingredients in drugs, including mercury and has become law, enrolled May 20, 2003 effective September 1, 2003.

<http://www.capitol.state.tx.us/tlo/legislation/legislation.htm>

<http://www.capitol.state.tx.us/tlo/78R/billtext/SB01400F.HTM>

Vermont

S 0111 has the title of "Comprehensive Management of Human Exposure to Mercury " and does the following: 1) after Jan. 1, 2005, bans the sale of mercury fever thermometers, mercury food thermometers or a mercury-containing thermostats for heating systems, 2) novelty items containing mercury are also banned from sale by July 1, 2005, with the exception of those items containing button batteries and lamps 3) dairy manometers using mercury are banned for sale after July 1, 2004, 4) source separation requirements and the ban on landfilling mercury are expanded beyond those products with labels and the products requiring labeling is expanded to include all mercury added products, except, of course those exempted. White goods are also required to be labeled, but not the packaging. Manufacturers are required to submit labeling plans for approval by DEC and can also apply for alternative to the requirements, 5) a landfill disposal

monitoring program is required to detect the presence of mercury-containing products. Also required is a public education about landfill bans for mercury containing products, 6) Vermont dentists are required to follow Best Management Practices, 7) by Jan.1, 2005, the Vermont Department of Health is required to submit a report to the legislature, in consultation with the Vermont dental society, concerning dental mercury use, 8) mercury uses are banned in schools and no person is allowed to bring mercury into schools, 9) the Department of Environmental Conservation is required to develop a plan to identify resources needed to provide the necessary data to address several questions concerning mercury contaminated fish and submit such plan to the legislature in January 2005. Introduced February 20, 2003, adopted by Senate on February 12, 2004 and sent to the House, where it has been assigned to the Natural Resources and Energy Committee.

<http://www.leg.state.vt.us/database/status/summary.cfm?Bill=S%2E0111&Session=2004>

Virginia

In the 2004 session, one bill has been introduced.

SB 187 requires the state Board of Dentistry to promulgate, regulations for the appropriate and safe use of dental amalgams containing mercury. Such regulations shall include, but need not be limited to, information on mercury and its environmental and health hazards; the safe handling of dental amalgams containing mercury to avoid human and animal exposure to mercury; appropriate disposal of mercury amalgams and waste products to prevent mercury pollution of the environment; conditions under which amalgams containing mercury are contraindicated and are not to be used in certain patients; a requirement that each patient be given informed consent about the health and safety concerns relating to amalgams containing mercury; and a requirement that any dentist who is continuing to use dental amalgams containing mercury shall provide each of his patients with the option of receiving a dental filling other than dental amalgams containing mercury. Offered on January 14, 2004 and referred to Committee on Education and Health. Continued to 2005 on a 14-0 vote in late January.

<http://leg1.state.va.us/cgi-bin/legp504.exe?041+ful+SB187>

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=sb187>

In the 2003 session, there was one bill on mercury in products, as follows:

S 1106 would ban the sale of liquid fever thermometers. Adopted by Senate 38-0. Referred to House Committee on Health, Welfare and Institutions, which passed by indefinitely on February 11, 2003.

<http://leg1.state.va.us/cgi-bin/legp504.exe?031+ful+SB1106>

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=031&typ=bil&val=sb1106>

Washington

The Washington Legislature is adjourned for the year, and adopted two bills related to mercury, with both signed into law by the Governor.

- HB 1002 was signed into law by its Governor, who vetoed only the section that says that it is safe to eat the fish in the region. Known as Chapter 260, Laws of 2003, it became effective July 27, 2003 and does the following:
 - Requires the labeling of fluorescent lamps by January 1, 2004.
 - Requires the Department of Health to develop a educational plan on mercury for schools, local governments, businesses and the public on the proper disposal method for mercury and mercury-containing products.
 - Prohibits schools from purchasing mercury compounds and requires them to remove mercury by January 2006.
 - Requires state government to purchase low and non-mercury-added products where feasible.
 - Requires the Department of Ecology to petition the U.S. Environmental Protection Agency to create a permanent national repository for mercury.
 - Bans the sale of mercury thermometers and blood pressure devices by January 2006, with some exceptions.
 - Bans the sale of mercury-containing novelty items by January 2006.
 - Bans the sale automobiles with mercury auto switches by January 2006.
 - Bans the installation or reinstallation of mercury thermostats by January 2006 unless the manufacturer of the thermostat participates in a thermostat recycling program.
 - Authorizes the Department of Ecology to participate in a regional or multi-state clearinghouse to help implement the requirements of this law.
 - Exempts crematoria from any requirements of this law.

<http://www.leg.wa.gov/wsladm/billinfo/dspBillSummary.cfm?billnumber=1002>

- HB 1235, SB 5403 and substitute SB 5403 provide for state supplemental operating appropriations and include a provision for the Department of Ecology to develop plans for the reduction in the use of mercury and its discharge to the environment. Signed by the Governor; effective April 9, 2003.

<http://www.leg.wa.gov/wsladm/billinfo/dspBillSummary.cfm?billnumber=5403>

http://www.leg.wa.gov/pub/billinfo/2003-04/Senate/5400-5424/5403-s_pl.pdf

HB 1273 would require informed consent prior to using mercury amalgam dental restorative material. Introduced on January 22, 2003, in Health Care. Also see SB 5066.

<http://www.leg.wa.gov/wsladm/billinfo/dspBillSummary.cfm?billnumber=1273>

HB 1942 is for the recovery of electronic waste, and includes provisions for the removal and recovery of mercury-containing devices as well as requiring that mercury not be used in electronic products as of January 1, 2007. Introduced February 17, 2003 and referred to Fisheries, Ecology & Parks.

<http://www.leg.wa.gov/wsladm/billinfo/dspBillSummary.cfm?billnumber=1942>

SB 5066 is similar to HB 1273 and would require informed consent prior to using mercury amalgam dental restorative material. Introduced on January 14, 2003; referred to Health & Long-Term Care.

<http://www.leg.wa.gov/wsladm/billinfo/dspBillSummary.cfm?billnumber=5066>

SB 5124 is a companion to HB 1002. Introduced on January 15, 2003. Referred to Committee on Natural Resources, Energy & Water.

<http://www.leg.wa.gov/wsladm/billinfo/dspBillSummary.cfm?billnumber=5124>

Wisconsin

The regular session has its last floor period on March 11, 2004 and no further action is expected on any of the following state bills.

AB 23 would ban the sale of most mercury thermometers, similar to legislation adopted in Minnesota and Michigan. Introduced February 5, 2003 with 18 sponsors and referred to the committee on Natural Resources
<http://www.legis.state.wi.us/2003/data/AB23hst.html>

SB 10 is identical to AB 23 and the same 18 sponsors. Introduced on January 23, 2003 and referred to the committee on Environment and Natural Resources

<http://www.legis.state.wi.us/2003/data/SB10hst.html>

AB 277 would prohibit a manufacturer, wholesaler, or retailer from selling, offering for sale, or giving away a mercury fever thermometer beginning on the first day of the seventh month after the bill is enacted. It has 17 sponsors and was referred to the Committee on Natural Resources. <http://www.legis.state.wi.us/2003/data/AB277hst.html>

AB 877 would ban the landfilling of specified electronics, require the manufacturers to set up recycling programs and ban the use of a variety of toxic materials, including mercury. Introduced on February 23, 2004, it was assigned to the Assembly Natural Resources Committee, which held a hearing on the bill before it was assigned a bill number.

<http://www.legis.state.wi.us/2003/data/AB877hst.html>

- The City of Marinette has adopted ordinances to both ban placing fluorescent lamps in with other solid waste as well as a requirement to remove and recycle all mercury-containing products prior to the demolition of buildings.
- The City of Madison adopted an ordinance to require that retailers of fluorescent lamps and mercury thermostats offer to take back for recycling these products from their customers, similar to legislation previously adopted by Dane County.

<http://www.ci.madison.wi.us/council/ccattach/att010604/33537sub.pdf>

Federal

H. R. 1680 would prohibit after 2008 the introduction into interstate commerce of mercury intended for use in a dental filling, and for other purposes. Also designates mercury amalgam as misbranded unless it has an extensive label describing the mercury content and recommended limitations for its use. One co-sponsor. Introduced on April 8, 2003; referred to Committee on Energy and Commerce, and to the Subcommittee on Health.

[http://thomas.loc.gov/cgi-bin/bdquery/z?d108:h.r.01680:](http://thomas.loc.gov/cgi-bin/bdquery/z?d108:h.r.01680)

H.R. 4260 is known as the Safe Communities and Safe Schools Mercury Reduction Act of 2004, and would ban the sale of mercury thermometers (except by prescription), require contractors who replace thermostats to participate in thermostat recycling programs, require manufacturers of

thermostats to establish or participate in recycling programs for replaced mercury thermostats, provide guidance for the elimination of free-flowing mercury and mercury instruments in schools, require the installation of advanced separators in dental offices and provide \$75 million annually in grants for mercury education, reduction, collection, and recycling programs. Introduced on May 4, 2004 by Representative Tammy Baldwin with two co-sponsors, and referred to the House Committee on Energy and Commerce.

[http://thomas.loc.gov/cgi-bin/bdquery/z?d108:h.r.04260:](http://thomas.loc.gov/cgi-bin/bdquery/z?d108:h.r.04260)

<http://thomas.loc.gov/cgi-bin/query/D?c108:3:./temp/~c10870W76H::>

S. 616 would ban the sale of mercury fever thermometers, except by prescription; provide federal monies for state and local thermometer exchange programs; and establish a federal task for setting up plans for the long-term management of mercury, including options for long-term storage and sequestration, and minimizing the use of mercury in products. Has 10 co-sponsors; referred to Committee on Environment and Public Works. Ordered to be reported without amendment favorably on April 9, 2003. Placed on Senate Legislative Calendar on November 18, 2003.

[http://thomas.loc.gov/cgi-bin/bdquery/z?d108:s.00616:](http://thomas.loc.gov/cgi-bin/bdquery/z?d108:s.00616)

S. 1939 would require the Secretary of Health and Human Services to ensure that the public is provided adequate notice and education on the effects of exposure to mercury through the development of health advisories and by requiring that such appropriate advisories be posted, or made readily available, at all businesses that sell fresh, frozen, and canned fish and seafood where the potential for mercury exposure exists. Introduced on November 24, 2003 and referred to the Committee on Health, Education, Labor, and Pensions.

<http://thomas.loc.gov/cgi-bin/query/D?c108:5:./temp/~c108YayqYf::>

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