

Summary of ESHB 2246, regarding financing for stewardship of mercury-containing lights; as passed by the Washington State Legislature on March 7, 2014



ESHB 2246 will allow our state's stewardship law to be implemented with adequate financing to increase the safe collection and recycling of fluorescent bulbs and tubes containing toxic mercury. The legislation is a negotiated agreement between stakeholders - including the National Electrical Manufacturers Association, the Department of Ecology, local governments, and environmental organizations - to address the financing of our state's 2010 Mercury-containing Lights Stewardship Law, and resolve the lighting industry's lawsuit against the state.

Authorizes lighting producers to add an environmental handling charge to the price of mercury lights sold at retail in our state to finance a statewide stewardship program.

A stewardship organization representing lighting producers will propose the amount of the environmental handling charge, which will be reviewed and approved by WA Ecology. The charge must be added to the purchase price of mercury lights sold at retail, but the bill does not require that the charge is visible at point of sale. Stewardship organizations must submit annual reports to WA Ecology, including an independent financial audit detailing revenues generated through the charge and program expenses.

Each lighting producer is responsible for ensuring the environmental handling charge is remitted to a stewardship organization for their mercury lights sold at retail in the state.

The bill allows two options for how the environmental handling charge is collected:

1. producers add the charge to the purchase price of their lamps and remit the charge to the stewardship organization, or
2. a retailer forms a voluntary binding agreement with a producer to add the charge to the purchase price of the lamp and remit the charge to the stewardship organization on the producer's behalf. Producers may not require or force retailers to do this.

[In a similar stewardship program in B.C., paid for by lighting producers, the charge included in the product price was 15 cents per CFL and 80 cents for a 4 foot fluorescent tube, in 2013.]

With this legislation and the existing statute (70.275 RCW), the stewardship program(s) is required to:

- Arrange for a system of collection sites across the state for mercury-containing bulbs and tubes, at a minimum providing service in every county and in every city with population greater than 10,000. Collection locations may include government facilities, retail stores, charities, private businesses, etc. No one is required to participate as a collector.
- Promote the safe handling and recycling of mercury lights, including educating consumers that a charge has been added to the price of the lamps for the recycling cost.
- Pay for costs of packaging and shipping materials at collection locations, educational materials, transportation, lamp processing, and a public education campaign. Payments or incentives may be offered to collectors.

Product stewardship program(s) for mercury lights must be fully implemented by January 1, 2015. Stewardship plan(s) are due to WA Ecology by June 1st of the year prior to implementation.

Sets a 2025 sunset date for the stewardship program(s); however there will be a JLARC (Joint Legislative Audit and Review Committee) review in the prior year to assess whether the stewardship program(s) should be continued.

Safe Recycling of Mercury-containing Lights: Implementing the 2010 Mercury Lights Stewardship Law



Energy-efficient fluorescent bulbs and tubes conserve energy and save consumers money.

But they contain small amounts of highly toxic mercury and need to be safely handled and recycled when they burn out.

The Legislature took action to address this problem by passing the 2010 Mercury-containing Lights Stewardship Law (70.275 RCW). The law requires lighting manufacturers to provide a convenient, statewide program for collection and recycling of residential fluorescent lamps, similar to our state's successful E-Cycle electronics recycling program. However, the law has not been implemented due to a lawsuit from the National Electrical Manufacturers Association over financing levels.

- A 2012 U.S. Department of Energy study projected that CFL (Compact Fluorescent Light) bulbs will soon be used more than traditional incandescent lights, which are being phased out due to federal energy efficiency standards. CFLs are expected to make up the largest share of home lighting through 2020.
- In 2030, even as LEDs will dominate the residential market, CFLs are still expected to make up about 20% of standard lamp sales.
- Fluorescent tubes will retain about 45% of the residential linear tube market through 2030.

Millions of mercury-containing fluorescent tubes and bulbs are sold for residential use in Washington State each year. Currently only about 5% are properly recycled; the rest are thrown in the trash, where they break, releasing highly toxic mercury that can harm people and add to environmental pollution.

Some parts of our state have mercury lamp recycling programs provided by local governments, utilities, and/or retailers. But these programs do not have the funding to provide enough service in all communities.

According to the Washington State Department of Ecology's records in 2013:

- 8 counties have no collection or recycling sites for mercury lights at all.
- 15 counties have only two or fewer collection locations. Even in counties with more collection sites, both urban and rural areas may be underserved.
- Some collection sites accept only CFL bulbs, not linear fluorescent tubes that contain more mercury. Or collection programs may charge a fee to accept fluorescent lamps.

Support ESHB 2246 to Safely Manage Toxic Mercury in Fluorescent Lamps

The Local Hazardous Waste Management Program in King County supports full financing of the 2010 Mercury Lights Stewardship Law by lighting producers to provide an effective statewide recycling program. We have worked with the National Electrical Manufacturers Association, WA Ecology, and other stakeholders to form an agreement on this bill.

ESHB 2246 will ensure adequate financing for the stewardship program, and increase the safe handling and recycling of mercury-containing fluorescent lamps from households across the state.