

HOUSE BILL No. 4281

February 17, 2009, Introduced by Reps. Warren, Scripps, Lisa Brown, Byrnes, Liss, Miller, Smith, Robert Jones, Switalski, Roberts and Dean and referred to the Committee on Great Lakes and Environment.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 17201 (MCL 324.17201), as amended by 2006 PA
494, and by adding sections 17210, 17215, and 17217.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17201. As used in this part:

2 (a) "Appliance" means a refrigerator, dehumidifier, freezer,
3 oven, range, microwave oven, washer, dryer, dishwasher, trash
4 compactor, window room air conditioner, television, or computer.
5 Appliance does not include a home heating or central air-
6 conditioning system.

7 (b) "Manufacturer" means a person that produces, imports, or
8 distributes ~~mercury thermometers~~ **MERCURY-ADDED PRODUCTS** in this

1 state.

2 (c) "Mercury fever thermometer" means a mercury thermometer
3 used for measuring body temperature.

4 (D) "MERCURY RELAY" MEANS A MERCURY-ADDED PRODUCT THAT OPENS
5 OR CLOSES ELECTRICAL CONTACTS TO AFFECT THE OPERATION OF ANOTHER
6 DEVICE IN THE SAME OR ANOTHER ELECTRICAL CIRCUIT AND INCLUDES, BUT
7 IS NOT LIMITED TO, A MERCURY DISPLACEMENT RELAY, A MERCURY WETTED
8 REED RELAY, A MERCURY CONTACT RELAY, AND A MERCURY CONTACTOR.

9 (E) "MERCURY SWITCH" MEANS A MERCURY-ADDED PRODUCT THAT OPENS
10 OR CLOSES AN ELECTRICAL CIRCUIT OR GAS VALVE AND INCLUDES, BUT IS
11 NOT LIMITED TO, A MERCURY FLOAT SWITCH ACTUATED BY RISING AND
12 FALLING LIQUID LEVELS, A MERCURY TILT SWITCH ACTUATED BY A CHANGE
13 IN PRESSURE, A MERCURY TEMPERATURE SWITCH ACTUATED BY A CHANGE IN
14 TEMPERATURE, AND A MERCURY FLAME SENSOR. MERCURY SWITCH DOES NOT
15 INCLUDE A THERMOSTAT.

16 (F) ~~(d)~~—"Mercury thermometer" means a product or component,
17 other than a dry cell battery, of a product used for measuring
18 temperature that contains mercury or a mercury compound
19 intentionally added to the product or component. Mercury
20 thermometer does not include a product or component of a product
21 that is used as a replacement for an existing thermometer that
22 measures temperature as part of a manufacturing process.

23 (G) ~~(e)~~—"Thermostat" means a consumer product that uses a
24 switch that contains mercury or a mercury compound to sense and
25 control room temperature, including room temperature in
26 residential, commercial, industrial, and other buildings, by
27 communicating with heating, ventilating, or air-conditioning

1 equipment. Thermostat does not include a product used to control
2 temperature as part of a manufacturing device.

3 SEC. 17210. (1) BEGINNING JANUARY 1, 2011, A PERSON SHALL NOT
4 SELL, OFFER FOR SALE, OR OFFER FOR PROMOTIONAL PURPOSES OR FOR USE
5 IN THIS STATE A BAROMETER OR MANOMETER THAT IS A MERCURY-ADDED
6 PRODUCT. BEGINNING JANUARY 1, 2011, A PERSON SHALL NOT USE IN A
7 DAIRY FARMING OPERATION A MANOMETER THAT IS A MERCURY-ADDED
8 PRODUCT.

9 (2) BEGINNING JANUARY 1, 2012, A PERSON SHALL NOT SELL, OFFER
10 FOR SALE, OR OFFER FOR PROMOTIONAL PURPOSES OR FOR USE IN THIS
11 STATE ANY OF THE FOLLOWING:

12 (A) A FLOW METER, HYDROMETER, HYGROMETER, OR PSYCHROMETER THAT
13 IS A MERCURY-ADDED PRODUCT.

14 (B) A MERCURY SWITCH OR MERCURY RELAY.

15 (3) SUBSECTIONS (1) AND (2) DO NOT APPLY IF THE USE OF THE
16 MERCURY-ADDED PRODUCT IS REQUIRED BY A FEDERAL STATUTE OR
17 REGULATION.

18 (4) THE DEPARTMENT MAY GRANT AN EXEMPTION FROM SUBSECTION (1)
19 OR (2).

20 (5) THE DEPARTMENT SHALL DEVELOP A FORM OR FORMS THAT MAY BE
21 USED BY A MANUFACTURER APPLYING FOR AN EXEMPTION UNDER SUBSECTION
22 (4) OR FOR A RENEWAL OF AN EXEMPTION UNDER SUBSECTION (6). THE
23 DEPARTMENT MAY ONLY GRANT AN EXEMPTION UNDER SUBSECTION (4) OR A
24 RENEWAL UNDER SUBSECTION (6) IF THE DEPARTMENT FINDS THAT ALL OF
25 THE FOLLOWING REQUIREMENTS ARE MET WHEN THE APPLICATION FOR
26 EXEMPTION OR RENEWAL IS SUBMITTED:

27 (A) THERE IS NO COMPARABLE PRODUCT THAT DOES NOT CONTAIN

1 MERCURY OR A MERCURY COMPOUND AVAILABLE AT A REASONABLE COST.

2 (B) THE MANUFACTURER OR AN INDUSTRY OR TRADE ASSOCIATION OF
3 MANUFACTURERS HAS IN PLACE A TAKE-BACK PROGRAM FOR ALL OF THAT
4 MANUFACTURER'S MERCURY-ADDED PRODUCTS SOLD IN THIS STATE. THE TAKE-
5 BACK PROGRAM SHALL BE AVAILABLE ON A REGULAR BASIS TO ALL USERS OF
6 THAT MANUFACTURER'S MERCURY-ADDED PRODUCTS. THE MANUFACTURER SHALL
7 SUBMIT VERIFIABLE DOCUMENTATION OF THE PROGRAM WITH THE APPLICATION
8 FOR EXEMPTION.

9 (C) EITHER OR BOTH OF THE FOLLOWING:

10 (i) USE OF THE PRODUCT BENEFITS THE ENVIRONMENT OR PROTECTS
11 PUBLIC HEALTH OR PUBLIC SAFETY.

12 (ii) THERE IS NO TECHNICALLY FEASIBLE ALTERNATIVE TO THE USE OF
13 MERCURY OR A MERCURY COMPOUND IN THE PRODUCT.

14 (6) THE DEPARTMENT SHALL NOT GRANT AN EXEMPTION UNDER
15 SUBSECTION (4) FOR A PERIOD OF MORE THAN 3 YEARS. A MANUFACTURER
16 MAY APPLY FOR AND THE DEPARTMENT MAY GRANT 1 OR MORE RENEWALS OF AN
17 EXEMPTION. THE DEPARTMENT SHALL NOT GRANT A RENEWAL OF AN EXEMPTION
18 FOR A PERIOD OF MORE THAN 3 YEARS.

19 (7) THE DEPARTMENT SHALL MAKE A LIST OF EACH MERCURY-ADDED
20 PRODUCT THAT IS EXEMPT FROM SUBSECTION (1) OR (2) AVAILABLE TO THE
21 PUBLIC ON THE DEPARTMENT'S INTERNET WEBSITE.

22 SEC. 17215. THE DEPARTMENT SHALL JOIN THE INTERSTATE MERCURY
23 EDUCATION AND REDUCTION CLEARINGHOUSE TO FACILITATE ADMINISTRATION
24 OF THIS PART.

25 SEC. 17217. THE DEPARTMENT MAY PROMULGATE RULES TO IMPLEMENT
26 THIS PART PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
27 1969 PA 306, MCL 24.201 TO 24.328.

1 Enacting section 1. This amendatory act does not take effect
2 unless Senate Bill No.____ or House Bill No. 4278(request no.
3 01064'09) of the 95th Legislature is enacted into law.