*** § 27-2903. Mercury-containing thermostat collection.**

1. Each thermostat manufacturer shall, individually or collectively, with other thermostat manufacturers, establish and maintain a program for the collection, transportation, recycling, disposal and proper management of out-of-service mercury thermostats in accordance with the provisions of this section.

2. Each thermostat manufacturer shall, individually or collectively with other thermostat manufacturers through a collection program, do the following:

(a) On and after July first, two thousand fourteen, compile a list of thermostat wholesalers in the state and offer each thermostat wholesaler containers for the collection of out-of-service mercury thermostats.

(b) On and after July first, two thousand fourteen, make collection containers available to all qualified contractors, thermostat wholesalers, thermostat retailers, and qualified local government authorities that request a container. Each thermostat manufacturer shall with each container include information regarding the proper management of out-of-service mercury thermostats.

(c) Establish a system to collect, transport, recycle, dispose and properly manage out-of-service mercury thermostats from all collection sites.

(d) Not include any fees or other charges to consumers or persons participating in the program. Each thermostat wholesaler, qualified contractor, qualified local government authority, or thermostat retailer that is provided with one or more collection containers may be charged a fee not to exceed twenty-six dollars to replace any collection container that is misplaced, stolen or otherwise lost.

(e) Beginning July first, two thousand fourteen, conduct education and outreach efforts, including, but not limited to the following:

(i) establish and maintain a public website for the dissemination of educational materials to promote the collection of out-of-service mercury thermostats. This website shall include templates of the educational materials on the internet website in a form and format that can be easily downloaded and printed. The link to this website shall be provided to the department;

(ii) contact thermostat wholesalers at least once a year to encourage their support and participation in educating customers on the importance of statutory requirements for the collection and proper management of out-of-service mercury thermostats;

(iii) create and maintain a web-based program that allows contractors and consumers to identify collection sites for out-of-service mercury thermostats in the state and provide a list of collection sites to the department; and

(iv) develop informational articles, press releases, and news stories pertaining to the importance of and opportunities for collecting and recycling out-of-service mercury thermostats and distribute those materials to trade publications, local media, and stakeholder groups.

(f) On or before July first, two thousand fourteen, develop and update as necessary educational and other outreach materials for distribution to contractors, contractor associations and consumers. These materials shall be made available for use by participating thermostat wholesalers, thermostat retailers, contractors, and qualified government authorities. The materials shall include, but not be limited to, the following:

(i) signage, such as posters and cling signage, that can be prominently displayed to promote the collection of out-of-service mercury thermostats to contractors and consumers; and

(ii) written materials or templates of materials for reproduction by thermostat wholesalers and thermostat retailers to be provided to customers at the time of purchase or delivery of a thermostat. The materials shall include, but not be limited to, information on the importance of properly managing out-of-service mercury thermostats and opportunities for the collection of these thermostats.

(g) Provide an opportunity for the department to review and offer feedback and suggestions on the collection program.

3. The collection programs established by thermostat manufacturers under this section shall be designed to achieve collectively the following statewide goals:

(a) For calendar year two thousand fifteen, the collection of no less than fifteen thousand five hundred out-of-service mercury thermostats;

(b) For calendar years two thousand sixteen through two thousand twenty-three, the collection goals shall be established by the

department. The department shall establish collection goals no later than October first, two thousand fifteen. The collection goals established by the department shall achieve the maximum feasible number of out-of-service mercury thermostats in the state. In developing the collection goals, the department shall take into account, at a minimum, (i) the effectiveness of collection programs for out-of-service mercury thermostats in the state and other states, including education and outreach efforts, (ii) collection requirements in other states, including those states with the highest collection goals, (iii) any reports or studies on the number of out-of-service mercury thermostats that are available for collection in this state, other states, and nationally, and (iv) other relevant factors. Prior to establishing the collection goals, the department shall consult with stakeholder groups that include, at a minimum, representatives of thermostat manufacturers, environmental groups, municipal recyclers, thermostat wholesalers, qualified contractors, and thermostat retailers.

(c) Thermostat manufacturers shall implement any collection program revisions approved by the department within ninety days.

4. If the collection programs do not collectively achieve the collection goals provided for in subdivision three of this section for calendar year two thousand fifteen or any year thereafter the department, after conducting stakeholder consultations, may require modifications to one or more collection programs that the department determines are necessary to achieve the collection goals. Modifications required by the department may include improvements to outreach and education conducted under the collection program, expansion of the number and location of collection sites established under the program, modification of the roles of participants, and a five dollar financial incentive in the form of either cash or coupon offered by the manufacturer to contractors and consumers for each out-of-service mercury thermostat returned to a collection site.

5. No later than April first, two thousand fifteen, and no later than April first of each year thereafter, each thermostat manufacturer shall, individually or collectively with other thermostat manufacturers, submit an annual report on its collection program to the department covering

the one-year period ending December thirty-first of the previous year. Each report shall be posted on the manufacturer's or program operator's respective internet website. The annual report shall include the following:

(a) the number of out-of-service mercury thermostats collected and managed under this section during the previous calendar year;

(b) the estimated total amount of mercury contained in the out-of-service mercury thermostats collected under this section during the previous calendar year;

(c) a list of all thermostat wholesalers, contractors, qualified local government authorities, and thermostat retailers participating in the program as mercury thermostat collection sites and the number of out-of-service mercury thermostats returned by each;

(d) an accounting of the program's administrative costs;

(e) a description of outreach strategies employed under paragraph (e) of subdivision two of this section;

(f) examples of outreach and educational materials used under paragraph (e) of subdivision two of this section;

(g) the internet website address of addresses where the annual report may be viewed online;

(h) a description of how the out-of-service mercury thermostats were managed;

(i) any modifications that the thermostat manufacturer is planning to make in its collection program; and

(j) the identification of a collection program contact and the business phone number, mailing address, and e-mail address for the contact.

6. All contractors, thermostat wholesalers, thermostat manufacturers, and thermostat retailers participating in the program shall handle and manage the out-of-service mercury thermostats in a manner that is consistent with the requirements for the disposal of hazardous waste.

7. On and after July first, two thousand fourteen, no thermostat wholesaler shall sell, offer to sell, distribute, or offer to distribute thermostats unless the wholesaler participates as a collection site for out-of-service mercury thermostats or requests and receives a waiver

from the department following a demonstration that such participation would pose an undue burden.

* NB Repealed January 1, 2028