

Status of State and Federal Mercury Legislation in the United States
October 22, 2001 Draft
Compiled by the Mercury Policy Project*

State Legislation

In the United States, there were approximately 50 mercury-related bills introduced in states in 2001, with at least 10 bills passing in six states between August 2000 and August 2001. Bills that have passed into law are highlighted, although some that are listed below have passed before 2001. Provided below is a summary of the bills, along with their status and web page links.

California

AB 751 would require that mercury containing lamps be managed as universal waste from commercial facilities generating 30 or more a month. In the Assembly Committee on Environmental Safety and Toxic Materials.

http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_751&sess=CUR&house=B&author=jackson

SB 633 prohibits the sale of a number of products with mercury in them, including: thermometers except by written prescription, novelties, autos with mercury light switches, specific products in schools, and specific dry cell batteries, and establishes procedures for the handling of mercury switches when removed from autos. **Signed into law and chaptered as Chapter 656.**

http://www.leginfo.ca.gov/pub/bill/sen/sb_0601-0650/sb_633_bill_20010914_enrolled.pdf

SB 134, the Dental Board sunset reform bill, was recently signed into law. It requires dentist to provide a fact sheet on possible health risks related to mercury to a patient prior to performing a dental restoration that could involve the use of dental amalgam. The bill also requires new patients to receive and acknowledge receipt of the mercury risk fact sheet.

Connecticut

The legislative session is over for this year, and none of the mercury products bills were adopted. The following bills were introduced and the action indicated taken.

HB 5179 bans the sale of mercury thermometers. Referred to Joint Committee on Environment, where no action was taken.

http://www.cga.state.ct.us/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&bill_num=HB5179

HB 5181 discourages the disposal of mercury-containing products. Referred to Joint Committee on Environment, but no action was taken.

http://www.cga.state.ct.us/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&bill_num=HB5181

HB 6197 would regulate mercury products and mercury emissions. Referred to the Joint Committee on Environment, where no action was taken.

http://www.cga.state.ct.us/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&bill_num=HB06197

HB 6687 restricts the sale of products with mercury. Recommended for passage by the Joint Committee on Environment and several other committees, but did not get voted on by the full House.

http://www.cga.state.ct.us/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&bill_num=HB06687

SB701 is known as the Omnibus Mercury Reduction Act. Referred to Joint Committee on Public Health, which held a public hearing.

http://www.cga.state.ct.us/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&bill_num=SB00701

Indiana

HB 1901 was adopted to prohibit the sale and distribution of most mercury-added novelties after July 1, 2003. Limits the circumstances under which a mercury fever thermometer may be sold or supplied to an individual after July 1, 2003. Restricts a public or nonpublic school from using or purchasing a mercury commodity, mercury compounds, or mercury-added instructional equipment and materials after July 1, 2003. Provides that a person may sell or provide a mercury commodity to another person after July 1, 2003, only if the person meets certain conditions. Requires the department of environmental management and solid waste management districts to implement mercury education programs. Permits local units of government to implement such programs. Requires the environmental quality service council to review various issues concerning mercury before January 1, 2004.
http://www.state.in.us/serv/lisa_billinfo?year=2001&request=getBill&docno=1901

Maine

HP 969 would have banned the sale of mercury fever thermometers. It was let die in favor of the passage of HP 1224. http://janus.state.me.us/legis/status/bill_status2.asp

HP 1224 was adopted into law and reduces mercury emissions from consumer products. There is a ban on sale of mercury fever thermometers, it requires manufacturers to provide written notice to the department before offering a mercury-added product for sale in Maine; prohibits the purchase of mercury or mercury compounds for use in schools; and requires manufacturers who sell products to hospitals to provide a certificate of mercury content upon hospital request.
<http://janus.state.me.us/legis/bills/billtexts/LD166501-1.asp>

LD1409 "An Act To Address The Health Effects of Mercury Fillings" was signed into law on June 12, 2001 as Chapter 385. <http://janus.state.me.us/legis/bills/LD.asp?LD=1409>

Maryland

HB 75 was signed into law as Chapter 639. It prohibits marketers from selling or providing to consumers, beginning October 1, 2002, fever thermometers containing mercury, except under specified circumstances; prohibiting primary and secondary schools from using or purchasing for use in a primary or secondary classroom, beginning October 1, 2003, elemental or chemical mercury; requiring the Department of the Environment to provide outreach assistance to schools relating to the proper management, recycling, and disposal of mercury and mercury-added products; etc.
<http://mlis.state.md.us/2001rs/billfile/hb0075.htm>

Massachusetts

HB 1555 would ban the use of mercury in public schools. Referred to the Committee on Education, Arts and Humanities, which has held a hearing on it. <http://www.state.ma.us/legis/bills/house/ht01555.htm>

HB 2217 contains provisions to phase out use of mercury in certain products, requires such products to be recycled rather landfilled or incinerated, prohibits the sale of mercury fever thermometers except by prescription, restricts schools from purchasing or using mercury, mercury compounds, commodities, or instructional equipment; bans the sale or distribution of mercury-added novelties; requires manufactures to disclose the mercury content of products used in hospitals on request, mandates labeling of mercury-added products; requires manufacturers to establish and fund (directly or indirectly) mercury collection/recycling programs; mandates the state Department of Environmental Protection to implement environmental education programs, and authorizes its participation in the establishment and implementation of a multi-state mercury clearinghouse to help achieve regional coordination. . Referred

to the Joint Committee on Natural Resources and Agriculture, which has held a hearing.
<http://www.state.ma.us/legis/bills/house/ht02217.htm>

HB 3772 would regulate the sale of mercury thermometers. Referred to the Massachusetts Committee on Natural Resources and Agriculture, which favorably reported in out. It was then referred to the Committee on House Steering, Policy and Scheduling on July 23, 2001.
<http://www.state.ma.us/legis/bills/house/ht03772.htm>

Michigan

HB 4599 would prohibit the sale of mercury thermometers. In the House Committee on Commerce on April 17, 2001. http://michiganlegislature.org/isapi/nls_ax.dll/BillSearch

SB 6 would require that hospitals not use mercury after December 31, 2005 unless no mercury-free alternatives are available. Referred to Committee on Health Policy.
http://michiganlegislature.org/isapi/nls_ax.dll/BillSearch

In the 1999-2000 legislation session, Michigan adopted legislation to phase mercury out of use in school classrooms by 2004. See SB 1262, now known as Act No. 376, Public Acts of 2000 on the web at http://michiganlegislature.org/isapi/nls_ax.dll/BillSearch.

Minnesota

HF 274 and SF 70 prohibit the sale of mercury thermometers. Adopted into law sd Chapter 47.
<http://www.revisor.leg.state.mn.us/cgibin/getbill.pl?session=ls82&version=latest&number=H274>

Since 1992, the state has passed numerous bills into law related to mercury product issues and has served as the model for others to mirror and build upon.

Nebraska

LB 40 would ban the sale of fever thermometers with mercury in them. The Legislature is adjourned until January 2002, and it appears that the bill is dead.
http://www.unicam.state.ne.us/PDF/INTRO_LB40.pdf

New Hampshire

The New Hampshire Legislature has adjourned, without the passage of the following four bills.

HB 253 would have established limits for mercury emissions from municipal waste incinerators. It was adopted by the House, but not the Senate. <http://gencourt.state.nh.us/legislation/2001/HB0253.html>

HB 654 would have required the removal of certain mercury products from the waste stream prior to the incineration of the waste, as well as limiting mercury emissions from waste incineration. It was still in committee when the legislature adjourned. <http://gencourt.state.nh.us/legislation/2001/HB0654.html>

HB 655 would have established an advance disposal fee to fund local mercury presorting and recycling programs. It was still in committee when the legislature adjourned.
<http://gencourt.state.nh.us/legislation/2001/HB0655.html>

HB 675 covered the reduction of mercury in products. It was still in committee when the legislature adjourned. <http://gencourt.state.nh.us/legislation/2001/HB0675.html>

However, during the 2000 Session, New Hampshire passed HB1418 and became the first state in the nation to ban the sale of mercury thermometers. The law also banned the sale of novelty items, place limitations on the use of elemental mercury and prohibits the use of mercury in schools where there are substitutes available. <http://www.state.nh.us/gencourt/bills/00bills/hb1418.html>

New Jersey

A3250 and S2315 are identical bills that would ban the sale of mercury thermometers. The Assembly bill has had its second reading; the Senate bill is in the Senate Committee on Environment. The New Jersey Legislature has a two year session that begins in January of the even numbered years. http://www.njleg.state.nj.us/2000/Bills/a3500/3250_i1.htm

New York

AB 4209 and SB 3084 are the same bills in the two houses entitled "Mercury Free Water Resources and Mercury Reduction Management Strategy Act of 2001"; provides 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 department 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. The Senate version has gone to the third reading, while the Assembly version has been ordered to a third reading. <http://assembly.state.ny.us/leg/?bn=S03084>. The Legislature has recessed on June 20, 2001 and this compiler does not know if this bill is still active or not.

Oregon

The Oregon Legislature is adjourned for this session, as of July 7, 2001, but adopted major legislation on mercury products.

HB 2816 Prohibits sale of mercury fever thermometers, mercury-added novelties and motor vehicles containing mercury light switches. Prohibits installation of thermostats containing mercury in commercial or residential building. Provides exception. Prohibits sale of thermostats containing mercury. Provides exception. Prohibits certain actions relating to mercury and mercury products. Directs Oregon Department of Administrative Services to remove mercury light switches from state-owned motor vehicles. Directs Department of Environmental Quality to work with local agencies to provide technical assistance to wrecking businesses concerning removal of mercury light switches from motor vehicles. Adopted by the House on a vote of 55-3, with 2 absent. Sent to the Senate and referred to Business, Labor, and Economic Development. The bill stalled there and was replaced by HB 3007, which was adopted and signed into law.

<http://www.leg.state.or.us/01reg/measures/hb2800.dir/hb2816.intro.html>

HB 3007. This is a replacement for HB 2816 and passed both the House (47-4, with 9 absent or excused) and the Senate (26-2, with 2 absent or excused) in early July. Signed into law on August 8, 2001. <http://www.leg.state.or.us/01reg/measures/hb3000.dir/hb3007.b.html>

SB 903 creates a task force to conduct or sponsor research to address possession of hazardous substances, including mercury waste. Requires Department of Environmental Quality to allocate money to task force from moneys appropriated to its budget for biennium beginning July 1, 2001. Referred to Natural Resources, Agriculture, Salmon, and Water; then Ways and Means.

<http://www.leg.state.or.us/01reg/measures/sb0900.dir/sb0903.intro.html>

Rhode Island

HB 6161 and SB 661 prohibit the landfill disposal of mercury and provide for the collection and proper handling of mercury and contain many of the components of the Northeast Waste Management Officials model legislation (see pollution prevention section of NEWMOA website at :

<http://www.newmoa.org>). **The bills, H-6161 and S-661 passed unanimously and featured several components that have not passed in any other state, including:**

- _ Phasing out the sale of products that contain mercury in Rhode Island over the next six years.
- _ Requiring manufacturers of mercury products to develop effective plans to collect products containing mercury sold in Rhode Island after consumers are finished with them.
- _ Requiring state dental insurance contracts to include coverage for non-mercury fillings at no extra expense to the state

employee.<http://www.rilin.state.ri.us/Billtext/BillText01/HouseText01/H6161Aaa.htm>

SB 153 bans the sale of mercury containing fever thermometers except with a prescription. It was adopted into law, effective July 13, 2001.

<http://www.rilin.state.ri.us/Billtext/BillText01/SenateText01/S0153A.htm>

SB 649's goal is to achieve significant reductions in environmental mercury by encouraging the establishment of effective waste reduction, recycling, management and education programs. It has been scheduled for a hearing since May 2001.

<http://www.rilin.state.ri.us/Billtext/BillText01/SenateText01/S0649.htm>

Texas

HB 3085 regulates the sale and use of products containing mercury. Voted out of Public Health Committee to Calendars in May, 2001. <http://www.capitol.state.tx.us/tlo/billnbr.htm>. The Texas Legislature has adjourned, so this bill is dead for this session.

Vermont

HB 111 proposes to establish a comprehensive approach to reducing the exposure of citizens to mercury in the environment, including bans on the use of mercury in certain products, such as fever thermometers, dairy manometers and novelties, elimination of mercury in schools, labeling requirements for mercury containing products, and related requirements. Currently in the House Natural Resources & Energy Committee. <http://www.leg.state.vt.us/database/status/status.cfm?Session=2002>

HB 283 establishes an advanced disposal fee for certain mercury-added products at a value of 8% of the wholesale price, and financing municipal presorting of those products when discarded. Currently in the House. <http://www.leg.state.vt.us/database/status/status.cfm?Session=2002>

SB 91 covers comprehensive management of human exposure to mercury. Bans the sale of thermometers, dairy manometers and novelties with mercury. Bans several uses of mercury in schools and the disposal of mercury in landfills and incinerators. Requires the separation of mercury containing products prior to disposal or recycling. Requires manufacturers to report the amounts of mercury in products. Currently in the Senate Committee on Appropriations, having been reported out of the Committee on Natural Resources & Energy.

<http://www.leg.state.vt.us/database/status/status.cfm?Session=2002>

In 1998, Vermont passed mercury legislation requiring the labeling of mercury containing products, a ban on disposal of those products and requirements for the creation of a state advisory committee on mercury. <http://www.mercvt.org>

Wisconsin

NR 446 is an administrative rule that is being modified to limit mercury emissions from coal burning plants and industrial operations that have mercury emissions of more than 10 pounds a year. A 15 year phase-in of a 90% reduction is called for. As proposed, part of the required mercury reductions can be offset by removing mercury from products. The rule has been approved for public hearing by the Natural Resources Board.

A bill on reducing mercury in products is being drafted and is expected later this summer.

Federal Legislation

S. 351- "Mercury Reduction and Disposal Act of 2001" (Collins/Kerry) - Prohibits sale of mercury thermometers and establishes Interagency Task Force to make recommendations on collection and permanent retirement of mercury. <http://thomas.loc.gov/cgi-bin/bdquery/z?d107:s.00351>.

S.555- "Mercury-Safe Seafood Act of 2001" (Leahy/Harkin) Amends the Federal Food, Drug and Cosmetic Act to require the Food and Drug Administration to establish a tolerance for the presence of methylmercury in seafood and develop a sampling and health advisory system.

S.556- "The Clean Power Act" (Jeffords/Lieberman) and H.R.1256 "The Clean Smokestacks Act" (Waxman/Boehlert) - Would require a 90% reduction in mercury emissions from 1999 levels.

S. 588- "Acid Rain Control Act" (Schumer/Clinton) and H.R.25 (Sweeney/Boehlert) - Would require EPA to develop mercury emissions regulations by 2004.

S.1131- "Clean Power Plan and Modernization Act of 2001" (Leahy) - Would require a 90% reduction in mercury emissions as determined by EPA.

HR.1335- "The Clean Power Plant Act" (Allen) - Would require a 90% reduction in mercury emissions as determined by EPA; ensures that the mercury wastes are disposed of appropriately; ("Mercury Emissions Reduction Act (Leahy) - Would require a 90%+ reduction in mercury releases from top five industries and mercury is prohibited in consumer products - expected to be re-introduced soon.)

HR 2266- (Allen) Would reduce release of mercury into the environment by providing for the temporary storage of mercury at facilities of the Department of Defense currently used for mercury storage, and require the Environmental Protection Agency to appoint a task force to develop a plan for the safe disposal of mercury. <http://thomas.loc.gov/cgi-bin/bdquery/z?d107:HR02266:@@P>

HR 2729- "Omnibus Mercury Emissions Reduction Act of 2001" (Allen) Would ban manufacturers from selling any mercury-containing product three years after adoption, along with controlling emissions of mercury from fossil fuel fired utilities, incinerators, chlor-alkali plants and cement manufacturers. [http://thomas.loc.gov/cgi-bin/bdquery/z?d107:h.r.02729: .](http://thomas.loc.gov/cgi-bin/bdquery/z?d107:h.r.02729:)

*Compiled/edited by:

Michael Bender
Mercury Policy Project
1420 North St.
Montpelier, VT USA 05602
MTBenderVT@aol.com
<http://www.mercurypolicy.org>
802-223-9000

