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Background Document and Proposed New Regulations
310 CMR 77.00
Collection and Recycling of Mercury-added Thermostats
And technical amendments to 310 CMR 75.00
Collection, Recycling, Labeling and Sales Ban of Mercury Added Products
consistent with 310 CMR 77.00

Establishing requirements for the collection and recycling of mercury-containing thermostats

Required under the provisions of M.G.L. Chapter 21H, Section 6J1/2
As amended by Chapter 196 of the Acts of 2014

July 13, 2018 rev July 16, 2018
For Agency Review and Public Hearing

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ATTACHMENTS

TEXT OF AMENDMENTS TO M.G.L 21H §§6A THROUGH 6N, REFERRED TO AS THE MERCURY
MANAGEMENT ACT (ACT)
SECTION 5 OF THE CHAPTER 196 OF THE ACTS OF 2014

BACKGROUND DOCUMENT FOR: MERCURY-ADDED THERMOSTAT REGULATIONS

The Massachusetts Mercury Management Act, M.G.L. c. 21H §§ 6A-6N (“Mercury Management Act”), is designed to keep waste mercury out of the trash and wastewater from where it is released into the environment. Chapter 196 of the Acts of 2014 revised the Mercury Management Act by creating a new Section 6J½, which imposes specific requirements on manufacturers that produced mercury-added thermostats and on the different entities managing the recycling and disposal of mercury-added thermostats. These regulations enumerate the new responsibilities in 310 CMR 77.00. To avoid confusion, a provision in 310 CMR 75.03(2)(j) (Collection, Recycling, Labeling and Sales Ban of Mercury Added Products) exempts mercury-added thermostats from regulation under 310 CMR 75.03(2)(j).

I. SUMMARY OF THE PROPOSED REGULATIONS

The new Section 6J½ of the Mercury Management Act delineates specific responsibilities for all persons (as defined in the Act), including:

1. Persons
2. Thermostat manufacturers
3. Thermostat wholesalers
4. Thermostat retailers
5. Contractors who remove mercury-added thermostats from buildings
6. Persons who demolish buildings
7. Persons who remove mercury-added thermostats from buildings as part of energy efficiency programs
8. Municipal and private solid waste haulers
9. Solid waste facility operators

The specific responsibilities enumerated in the new Section 6J½ of the Act and specified in the proposed regulations are summarized below.

All “persons” must either recycle or dispose of removed mercury-added thermostats as hazardous waste or universal waste. (This is not a new regulatory requirement.)

Companies that manufactured mercury-added thermostats must individually or collectively establish a system to collect and recycle removed thermostats and, for a one-time fee not to exceed \$25, make recycling containers available to wholesalers, retailers, contractors and government authorities that request them. They must also submit an annual report to the Department documenting their collection program costs, activities and effectiveness and conduct an educational program promoting the proper management of mercury-added thermostats. These manufacturers currently have a voluntary collection program in place.

In addition, thermostat wholesalers must serve as mercury-added thermostat collection sites. Per the statute, the regulations reiterate existing requirements that contractors, energy auditors, and building demolition companies must properly dispose of mercury-added thermostats at a collection center, and that solid waste haulers may not dispose of them at solid waste management facilities. Finally, solid

waste management facilities must post signs and notify customers in writing that mercury-added thermostats are not accepted at their facility.

NEW SECTION
310 CMR: DEPARTMENT OF ENVIRONMENTAL PROTECTION

310 CMR 77.00: COLLECTION AND RECYCLING OF MERCURY-ADDED THERMOSTATS

Section

77.01: Purpose and Authority

77.02: Definitions

77.03: Applicability

77.04: Collection of Mercury-added Thermostats

77.05: Management of Mercury-added Thermostats

77.01: Purpose and Authority

(1) The purpose of 310 CMR 77.00 is to protect public health, safety, welfare and the environment by implementing M.G.L. Chapter 21H, § 6J1/2. 310 CMR 77.00 requires manufacturers that distributed, offered for final sale, or sold at final sale mercury-added thermostats, to establish a system to collect, transport, and properly manage out-of-service mercury-added thermostats, including recycling of such thermostats, in accordance with M.G.L. c. 21C and 310 CMR 30.000. 310 CMR 77.00 establishes requirements for collection and proper management of mercury-added thermostats.

(2) 310 CMR 77.00 is promulgated pursuant to the authority of M.G.L. c. 21C, §§ 4 and 6 and M.G.L. c. 21H, § 6J1/2 and 6N; and St. 2014, c. 196, § 5.

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77.02: Definitions

The definitions found in 310 CMR 77.02 apply to, and are limited to, 310 CMR 77.00.

Collection Site means a location for the collection of out-of-service mercury-added thermostats which is either part of a manufacturer sponsored collection program established pursuant to 310 CMR 77.04 or a location where mercury-added thermostats are collected and managed in accordance with applicable federal and state laws governing hazardous waste and universal waste, including 310 CMR 30.000.

Contractor means a person engaged in the business of installation, service or removal of heating, ventilation, and air conditioning components.

Department means the Massachusetts Department of Environmental Protection.

Local governmental authority means a household hazardous waste facility, a solid waste management agency, an environmental management agency, or a department of public health.

Manufacturer means an organization or entity that sells or sold a mercury-added thermostat under a brand or label it owns or is or was licensed to use a brand or label for a mercury-added thermostat produced by other suppliers.

Mercury-added thermostat means a product or device that uses a mercury switch to sense and control room temperature through communication with heating ventilation, or air conditioning equipment, including thermostats used to sense and control room temperature in residential, commercial, industrial, or other buildings, but excluding thermostats used to sense and control temperature as part of a manufacturing process.

Person means an individual, trust, firm, joint stock company, corporation, including a government corporation, partnership, association, the federal government or any agency or subdivision thereof, a state, municipality, commission, political subdivision of a state or any interstate body.

Properly Manage Out-of-Service Mercury-Added Thermostats means to recycle or manage as a hazardous waste or universal waste in compliance with 310 CMR 30.000.

Qualified contractor means a person engaged in the business of installation, service, or removal of heating, ventilation, and air conditioning components who employs seven or more service technicians or installers or who is located in an area outside an urban area, as defined by the United States Bureau of Census.

Solid Waste Facility means a site or works, and other appurtenances thereto, which is, has been, or will be used for the handling, storage, transfer, processing, treatment or disposal of solid waste, as defined in 310 CMR 19.006, including all land, structures and improvements which are directly related to solid waste activities.

Thermostat retailer means a person that sells thermostats of any kind directly to homeowners, other non-professionals, or contractors through any selling or distribution mechanism, including, but not limited to, sales using the internet or catalogs.

Thermostat wholesaler means a person engaged in the distribution and wholesale sale of thermostats and other heating, ventilation, and air conditioning components to contractors who install heating, ventilation, and air conditioning components.

77.03: Applicability

(1) 310 CMR 77.00 applies to:

- (a) Manufacturers that distributed, offered for final sale, or sold at final sale any mercury-added thermostat within the Commonwealth of Massachusetts;
- (b) Thermostat wholesalers;
- (c) Thermostat retailers;
- (d) Contractors;
- (e) Qualified contractors;

- (f) Solid waste haulers;
 - (g) Operators of solid waste facilities; and
 - (h) Any person who generates (including the original consumer), who generates, collects, processes, or manages a mercury-added thermostat for disposal in Massachusetts.
- (2) Compliance with 310 CMR 77.00 does not release manufacturers, wholesalers, retailers, contractors, qualified contractors, solid waste haulers, operators of solid waste facilities or other persons from the need to comply with other applicable state, federal and local requirements.

77.04: Collection of Mercury-Added Thermostats

- (1) Manufacturers that distributed, offered for final sale, or sold at final sale, any mercury-added thermostat within the Commonwealth shall, individually or collectively:
- (a) Establish a system to collect, transport, and properly manage out-of-service mercury-added thermostats, including recycling, from all collection sites established pursuant to 310 CMR 77.04. Mercury-added thermostat manufacturers shall not charge a fee or other charge for this service, except a one-time program administration fee not to exceed \$25 per collection container provided pursuant to 310 CMR 77.04(1)(b).
 - (b) Make collection containers available to thermostat wholesalers, thermostat retailers, qualified contractors, and local government authorities within the Commonwealth that request them. Such containers shall be accompanied by information on proper management of mercury-added thermostats as a hazardous waste or universal waste, in accordance with Department regulations at 310 CMR 30.000.
 - (c) Submit an annual report to the Department by March first of every year of the program, on a form prescribed by the Department, that shall include at a minimum:
 - 1. The number of mercury-added thermostats collected by the manufacturer(s) in the previous calendar year, and
 - 1. The number disposed, and
 - 2. The number from which the facility separated and recovered the components and mercury contained therein.
 - 2. The estimated total amount of mercury contained in the thermostat components collected and recycled by the manufacturer(s) in the previous calendar year;
 - 1. The amount of mercury disposed, and
 - 2. The amount of mercury made available for reuse
 - 3. An evaluation of the effectiveness of the manufacturer(s)' collection program including, but not limited to, the number of persons using each of the manufacturer(s)' collection sites and an estimate of how many out-of-service mercury-added thermometers have yet to be collected;
 - 4. An accounting of the administrative costs of administering the collection and recycling program; and

5. A list of all locations where collection containers were provided by the manufacturer(s), including locations that received collection containers during the calendar year. The list shall contain information including, but not limited to:

- a. Location address,
- b. The date each location received its mercury-added thermostat collection container, and
- c. The number of mercury-added thermostats collected from each location.

6. A description of the education and outreach efforts conducted pursuant to 310 CMR 77.04(1)(d).

(d) Conduct education and outreach to:

1. Promote the availability of collection containers to:

- a. Thermostat wholesalers,
- b. Thermostat retailers,
- c. Qualified contractors, and
- d. Units of local government in the Commonwealth.

2. Promote the importance of proper mercury-added thermostat management, mercury-added thermostat collection opportunities, and the availability of the manufacturer sponsored collection program to:

- a. Contractors,
- b. Homeowners, and
- c. Persons.

3. Provide signage to participating collection sites that can be prominently displayed to promote the collection and recycling of out-of-service mercury-added thermostats.

4. Provide written materials or templates of written materials for reproduction by thermostat wholesalers and thermostat retailers to provide to customers at the time of purchase or delivery of thermostats. These materials shall include, but not be limited to, the following information:

- a. The importance of properly managing out-of-service mercury-added thermostats; and
- b. Mercury-added thermostat collection opportunities.

(2) Thermostat wholesalers shall:

(a) Not offer for final sale, sell at final sale, or distribute any thermostat of a manufacturer that is not in compliance with 310 CMR 77.00.

(b) Not offer for final sale, sell at final sale, or distribute any thermostat unless that thermostat wholesaler acts as a collection site for mercury-added thermostats.

1. To qualify as a collection site, the thermostat wholesaler shall either:

- a. Collect and manage mercury-added thermostats in accordance with applicable federal and state laws governing hazardous waste and universal waste, including 310 CMR 30.000; or
- b. Participate as a collection site in a manufacturer sponsored collection program established pursuant to 310 CMR 77.04.

2. All collection sites shall provide visible signage identifying the location as a mercury-added thermostat collection site.

(3) Thermostat retailers shall:

- (a) Not offer for final sale, sell at final sale, or distribute any thermostat of a manufacturer that is not in compliance with 310 CMR 77.00.
- (b) Provide visible signage identifying the location as a mercury-added thermostat collection site, if acting as a collection site.
 - 1. To qualify as a collection site, the thermostat retailer shall either:
 - a. Collect and manage mercury-added thermostats in accordance with applicable federal and state laws governing hazardous waste and universal waste, including 310 CMR 30.000; or
 - b. Participate as a collection site in a manufacturer sponsored collection program established pursuant to 310 CMR 77.04.

(4) Qualified contractors acting as collection sites shall provide visible signage identifying the location as a mercury-added thermostat collection site. To qualify as a collection site, qualified contractors shall either:

- (a) Collect and manage mercury-added thermostats in accordance with applicable federal and state laws governing hazardous waste and universal waste, including 310 CMR 30.000; or
- (b) Participate as a collection site in a manufacturer sponsored collection program established pursuant to 310 CMR 77.04.

77.05: Management of Mercury-added Thermostats

- (1) Except as otherwise provided in this section, all persons shall dispose of mercury-added thermostats by recycling or by disposing as hazardous waste or universal waste in compliance with 310 CMR 30.000.
- (2) Contractors who remove mercury-added thermostats from buildings shall deliver such thermostats to a collection site established by mercury-added thermostat manufacturers pursuant to 310 CMR 77.04.
- (3) Persons who demolish buildings shall remove all mercury-added thermostats prior to building demolition and either:
 - (a) Deliver such thermostats to collection sites established by mercury-added thermostat manufacturers pursuant to 310 CMR 77.04, or
 - (b) Collect and manage mercury-added thermostats in accordance with applicable federal and state laws governing hazardous waste and universal waste, including 310 CMR 30.000.
- (4) Persons who remove mercury-added thermostats from a location that is participating in an energy efficiency or weatherization program supported or administered in whole or part by a department, agency, authority, or political subdivision of the Commonwealth or conducted as a result of any statutory requirement, including, but not limited to, demand-side management or least-cost procurement, shall deliver such thermostats to a collection site established by mercury-added thermostat manufacturers pursuant to 310 CMR 77.04.
- (5) No municipal or private solid waste haulers or operators of solid waste disposal facilities shall knowingly dispose, or allow to be disposed, a mercury-added thermostat as solid waste, as defined in 310 CMR 19.006, unless the mercury has been first removed by recycling or disposed as hazardous waste in accordance with 310 CMR 30.000.

- (6) Solid waste facility operators may knowingly accept or collect mercury-added thermostats for proper disposal, only if:
- (a) The device is segregated from solid waste and stored in an identified recycling container, and:
 - 1. the facility participates in a mercury-added thermostat manufacturer's collection program as a collection site, or
 - 2. the facility has established a site to collect, manage, and dispose of mercury-added thermostats as hazardous waste or universal waste in accordance with all applicable federal and state laws and regulations, including 310 CMR 30.000.
 - (b) Solid waste facility operators will not be found in violation of 310 CMR 77.05, if they:
 - 1. Make a good faith and consistent effort, as determined by the Department, to comply with this subsection,
 - 2. Post, in a conspicuous location at the facility, a sign stating that mercury-added thermostats are not accepted at this facility, and
 - 3. Notify, in writing, any person authorized to deposit solid waste at that facility that mercury-added thermostats are not accepted at this facility.

Text Amendments to 310 CMR 75.00:

310 CMR: DEPARTMENT OF ENVIRONMENTAL PROTECTION

310 CMR 75.00: COLLECTION, RECYCLING, LABELING AND SALES BAN OF MERCURY ADDED PRODUCTS

Section

- 75.01: Purpose and Authority
- 75.02: Definitions
- 75.03: Applicability
- 75.04: Plans for Collecting and Recycling Mercury-added Products
- 75.05: Public Education Plan for Mercury-added Lamps
- 75.06: Ban on Sales and Distribution of Mercury-added Products
- 75.07: Exemptions from the Sales and Distribution Ban
- 75.08: Labeling of Mercury-added Products and Notification to Purchasers

...

75.03: Applicability

- (1) 310 CMR 75.00 applies to any person who manufactures, sells, offers for sale or distributes mercury-added products in Massachusetts.
- (2) The following products are exempt from the requirements of 310 CMR 75.04:
 - (a) motor vehicles and mercury-added components in motor vehicles,
 - (b) refurbished medical equipment,
 - (c) mercury-added button cell batteries,
 - (d) products where the only mercury contained in the product is in one or more removable mercury-added button cell batteries,

- (e) products where the only mercury contained in the product is contained in one or more mercury-added lamps,
- (f) mercury-added formulated products intended to be totally consumed in use, such as reagents, cosmetics, cleaning products, pharmaceuticals and other laboratory chemicals.
- (g) Products made with coal ash,
- (h) Products that are incorporated into equipment used to manufacture semi-conductor devices, ~~or~~
- (i) elemental mercury in pre-capsulated form that is sold, distributed or provided to a dental practitioner for use in compliance with the department's regulations concerning amalgam wastewater and recycling for dental facilities, or
- (j) mercury-added thermostats subject to the requirements of 310 CMR 77.00.

II. IMPACTS OF PROPOSED REGULATIONS

A. Economic Impacts

MassDEP does not anticipate significant economic impacts from the proposed regulations. The adoption of 310 CMR 77.00 will result in more protective management and increased recycling of mercury-containing thermostats at the end of their useful life. The manufacturers of mercury-containing thermostats are presently participating in a similar thermostat collection and recycling program.

B. Impacts on Cities and Towns

Pursuant to Executive Order 145, state agencies must assess the fiscal impact of new regulations on the Commonwealth's municipalities. The proposed amendments do not establish new requirements for municipalities.

C. Agricultural Impacts

The proposed amendments have no significant impacts to agriculture.

III. SOURCE REDUCTION

The implementation of source reduction is a MassDEP priority, and is defined as in-plant practices that reduce or eliminate the total mass of contaminants discharged into the environment. The proposed amendments will not have an impact on source reduction because the sale of mercury-containing thermostats is currently banned in Massachusetts. These regulations deal with end-of-life management of these devices.

IV. MASSACHUSETTS ENVIRONMENTAL POLICY ACT (MEPA)

The proposed amendments are exempt from the "Regulations Governing the Preparation of Environmental Impact Reports," 301 CMR 11.00, in that no MEPA review threshold set forth in 301 CMR 11.03 is met or exceeded. In addition, these proposed amendments do not reduce standards for environmental protection, nor do they reduce opportunities for public participation in review processes or public access to information generated or provided in accordance with the regulations. [See MEPA review threshold pertaining to promulgation of regulations at 301 CMR 11.03(12)].

V. PUBLIC HEARING AND COMMENT

MassDEP will hold one public hearing at MassDEP's Offices in Boston. In addition, MassDEP will hold a comment period on the proposed amendments in accordance with M.G.L. Chapter 30A. For further information about the proposed amendments, please contact Susan Peck at 617-292-5870 or at susan.peck@state.ma.us.

ATTACHMENT

TEXT OF AMENDMENTS TO M.G.L 21H §§6A THROUGH 6N, REFERRED TO AS THE MERCURY MANAGEMENT ACT (ACT)

Chapter 21H: SOLID WASTE FACILITIES

Section 6J1/2: Sale of mercury-added thermostats; removal of and delivery to collection site for recycling; annual report

[Text of section effective until December 31, 2022. Repealed by 2014, 196, Sec. 4. See 2014, 196, Secs. 8 to 10.]

Section 6J1/2. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

"Contractor", a person engaged in the business of installation, service or removal of heating, ventilation and air-conditioning components.

"Department", the department of environmental protection.

"Local government authority", a household hazardous waste facility, a solid waste management agency, an environmental management agency or a department of public health.

"Manufacturer", an organization or entity that sells or sold a mercury-added thermostat under a brand or label it owns or is or was licensed to use a brand or label for a mercury-added thermostat produced by other suppliers.

"Mercury-added thermostat", a product or device that uses a mercury switch to sense and control room temperature through communication with heating, ventilating or air-conditioning equipment, including thermostats used to sense and control room temperature in residential, commercial, industrial and other buildings, but excluding thermostats used to sense and control temperature as part of a manufacturing process.

"Person", an individual, trust, firm, joint stock company, corporation, including a government corporation, partnership, association, the federal government or any agency or subdivision thereof, a state, municipality, commission, political subdivision of a state or any interstate body.

"Qualified contractor", a person engaged in the business of installation, service or removal of heating, ventilation and air-conditioning components who employs 7 or more service technicians or installers or who is located in an area outside of an urban area, as defined by the United States Bureau of the Census.

"Thermostat retailer", a person that sells thermostats of any kind directly to homeowners, other non-professionals or contractors through any selling or distribution mechanism, including, but not limited to, sales using the internet or catalogs.

"Thermostat wholesaler", a person engaged in the distribution and wholesale sale of thermostats and other heating, ventilation and air-conditioning components to contractors who install heating, ventilation and air-conditioning components.

(b)(1) A thermostat wholesaler shall not offer for final sale, sell at final sale or distribute any thermostat unless that thermostat wholesaler acts as a collection site for mercury-added thermostats.

(2) A thermostat wholesaler shall meet the requirements of this section by participating as a collection site in a collection program established pursuant to subsection (d), or by collecting mercury-added thermostats

and managing the collected mercury-added thermostats in accordance with applicable federal and state laws governing the disposal of universal waste.

(3) A thermostat wholesaler, qualified contractor or thermostat retailer acting as a collection site shall provide visible signage identifying the location as a collection location for waste mercury thermostats.

(4) A thermostat wholesaler or thermostat retailer shall not offer for final sale, sell at a final sale or distribute any thermostat of a manufacturer that is not in compliance with this section.

(c)(1) Except as otherwise provided in this section, no person shall dispose of a mercury-added thermostat in a manner other than by recycling or disposal as hazardous waste.

(2) A contractor who removes a mercury-added thermostat from a building shall deliver that thermostat to a collection site established under subsection (d) for recycling.

(3) A person who demolishes a building shall remove any mercury-added thermostat from the building prior to demolition and shall deliver any removed thermostat to a collection site established under subsection (d) for recycling or by collecting mercury-added thermostats and managing the collected mercury-added thermostats in accordance with applicable federal and state laws governing the disposal of universal waste.

(4) A person who removes a mercury-added thermostat from a location that is participating in an energy efficiency or weatherization program supported or administered in whole or in part by a department, agency, authority or political subdivision of the commonwealth or conducted as a result of any statutory requirement, including, but not limited to, demand-side management or least-cost procurement, shall deliver that thermostat to a collection site established under subsection (d) for recycling.

(5) No municipal or private solid waste hauler or operator of a solid waste disposal facility shall knowingly dispose, or allow to be disposed, a mercury-added thermostat as solid waste unless the mercury has been first removed by recycling or disposed as hazardous waste. A solid waste facility may knowingly accept or collect mercury-added thermostats for proper disposal if the device is segregated from solid waste and stored in an identified recycling container; provided, that the facility participates in a manufacturer's program as a collection site or has established a collection site to collect, manage and dispose of mercury-added thermostats as hazardous waste in accordance with applicable federal and state waste disposal laws and regulations. No operator of a solid waste disposal facility shall be found to be in violation of this section if the operator: (i) makes a good-faith and consistent effort to comply with this section; (ii) posts, in a conspicuous location at the facility, a sign stating that mercury-added thermostats are not accepted at the facility; and (iii) notifies, in writing, any person authorized to deposit solid waste at the facility that mercury-added thermostats are not accepted at the facility.

(d) Each thermostat manufacturer that has distributed, offered for final sale or sold at final sale any mercury-added thermostat within the commonwealth shall, individually or collectively:

(i) make collection containers available to each thermostat wholesaler, thermostat retailer, qualified contractor and local government authority within the commonwealth that requests a container, ensuring that those containers are accompanied by information regarding the proper management of mercury-added thermostats as universal waste, in accordance with the collection program and the department's rules and regulations;

(ii) establish a system to collect, transport and properly manage, which may include, but shall not be limited to, recycling, out-of-service mercury-added thermostats from all collection sites established under this section; and

(iii) collect no fees or other charges for participation in the program, except that each thermostat wholesaler, thermostat retailer, qualified contractor and local government authority that is provided with 1 or more collection containers may be charged a 1-time program administration fee not to exceed \$25 per collection container.

[Subsection (e) added by 2014, 196, Sec. 3 effective January 1, 2016. See 2014, 196, Sec. 8.]

(e) On or before March 1, each thermostat manufacturer that has distributed, offered for final sale or sold at final sale any mercury-added thermostat within the commonwealth shall, individually or collectively,

submit an annual report to the department that shall include, but not be limited to, the following information:

- (i) the number of mercury-added thermostats collected and recycled by the manufacturer under this section during the previous calendar year;
 - (ii) the estimated total amount of mercury contained in the thermostat components collected by the manufacturer under this section in the previous calendar year;
 - (iii) an evaluation of the effectiveness of the manufacturer's collection program;
 - (iv) an accounting of the administrative costs incurred in the course of administering the collection and recycling program; and
 - (v) a list of all locations to which collection containers have been provided, including any locations which received containers during the year, and the date on which each location received a collection container.
- [Subsection (f) added by 2014, 196, Sec. 3 effective July 1, 2016. See 2014, 196, Sec. 9.]*
- (f) The department shall maintain and post on its website a list of all locations that are collection points for mercury-added thermostats.

In conjunction with any education and outreach programs implemented by manufacturers, the department may conduct an education and outreach program directed toward thermostat wholesalers, thermostat retailers, contractors and homeowners to promote the collection of out-of-service mercury-added thermostats.

[Subsection (g) added by 2014, 196, Sec. 3 effective January 1, 2016. See 2014, 196, Sec. 8.]

(g) The department shall collect and maintain data on the collection and recycling programs established in subsection (d), including the number of mercury-added thermostats collected and recycled and the number of wholesalers, retailers, qualified contractors and local government authorities participating in the program. On or before September 30 of each year, the department shall prepare an annual report detailing the data collected under this subsection during the prior calendar year and shall file copies of those reports with the clerks of the senate and house of representatives and the co-chairs of the joint committee on environment, natural resources and agriculture.

ATTACHMENT
TEXT OF SECTION 5 OF THE CHAPTER 196 OF THE ACTS OF 2014

SECTION 5. From January 1, 2015 through December 31, 2022, each thermostat manufacturer that has distributed, offered for final sale or sold at final sale any mercury-added thermostat within the commonwealth shall, individually or collectively conduct education and outreach efforts including, but not limited to: (i) promoting the availability of collection containers to thermostat wholesalers, thermostat retailers, qualified contractors and units of local government in the commonwealth; (ii) educating contractors, homeowners and other interested persons of the importance of properly managing out-of-service mercury-added thermostats and opportunities for the collection of those thermostats and the availability of manufacturer supported programs; (iii) providing signage to participating collection locations that can be prominently displayed to promote the collection and recycling of out-of-service mercury-added thermostats; and (iv) providing written materials or templates of written materials for reproduction by participating thermostat wholesalers and thermostat retailers to be provided to customers at the time of purchase or delivery of a thermostat. These materials shall include, but not be limited to, information on the importance of properly managing out-of-service mercury-added thermostats and opportunities for the collection of those thermostats. Each annual report required by subsection (e) of section 6J 1/2 of chapter 21H of the General Laws shall include a description of the education and outreach efforts conducted under this section.