



Massachusetts
Department
of
ENVIRONMENTAL
PROTECTION

f a c t s h e e t

Frequently Asked Questions: Disposal Prohibition Provision of the Mercury Management Act (Chapter 190 of the Acts of 2006)

As of May 1, 2008, mercury-added products cannot be disposed of in trash when they reach the end of their useful life. This fact sheet answers some common questions about the disposal prohibition.

What products are covered by the disposal prohibition?

The disposal prohibition covers all products to which mercury has been intentionally added (these are classified as “mercury-added products”), but excludes “formulated” products (which are chemicals such as cleaners, cosmetics and pharmaceuticals). The law requires manufacturers of most mercury-added products to label these products, to clearly inform purchasers that the products contains mercury and will require special handling at the end of its useful life. However, products manufactured and sold before May 1, 2008 may not be labeled.

TABLE: Examples of products that may contain mercury at end-of-life and how the management of those products is regulated.

Hazardous Waste	Non-Hazardous Waste (Solid Waste)
<i>The disposal prohibition does not affect end-of-life products classified as “hazardous waste” under Massachusetts hazardous waste rules (310 CMR 30.000)</i>	<i>Before 5/1/08 these products could be treated as solid waste.</i> <i>After 5/1/08 they must be recycled.</i>
<p><i>The following items must be handled as either hazardous waste or as universal waste:</i></p> <ul style="list-style-type: none"> • Thermometers w/ silver liquid • Thermostats w/ silver liquid in glass cylinder, not digital • Button batteries • Sphygmomanometers (i.e. blood pressure cuffs) • Neon lamps and some fluorescent lamps, such as 4ft straight tubes, u-tubes, circular tubes • Electrical switches • Bilge pumps and sump pumps (some contain mercury switches) • Tilt switches and mercury thermocouples if removed from appliances / white goods 	<ul style="list-style-type: none"> • Green cap fluorescent lamps and compact fluorescent lamps (CFLs) • Electronic devices with screens that are backlit using a fluorescent lamp, such as: <ul style="list-style-type: none"> ✓ Flat panel computer monitors ✓ Flat panel TVs ✓ Handheld gaming devices ✓ Portable DVD players • Some appliances/white goods such as: <ul style="list-style-type: none"> ✓ Gas ovens with mercury thermocouple ✓ Chest freezers with tilt switches in lid • Toys and accessories containing button cell batteries that are not designed to be removed by the user/parent
<p><i>These items must be handled as hazardous waste</i></p> <ul style="list-style-type: none"> • Elemental mercury¹ • Glass ampoules of mercury removed from devices 	

¹ Elemental mercury is not covered by the Mercury Management Act or by 310 CMR 76.00 but is mentioned here as a reminder that it is hazardous waste.

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Why is it important to keep mercury out of the trash?

Mercury is a toxic metal. When products containing mercury are discarded at the end of their useful lives, the mercury is released into the air when products break. Solid waste disposal facilities (e.g., trash incinerators, landfills), manufacturing facilities that use mercury in their production processes, and coal-fired power plants can also release mercury into the air. Airborne mercury is deposited on land as well as in lakes and ponds, where it can be eaten by fish and, in turn, by people and wildlife. Mercury that is discharged in wastewater ends up in sewage sludge, which is either burned in an incinerator or applied to land as a soil amendment. In both cases, rain can wash mercury into lakes, ponds, and streams.

If mercury-added products can't go in the trash, what should people do with them?

In order to keep the mercury contained in the product from being released into the environment, the mercury-added product or component must be taken to a mercury collection site for recycling or be managed as a hazardous waste. Go to www.mass.gov/dep/toxics/stypes/hgres.htm#dispose for a list of collection locations. In addition, most Household Hazardous Waste collection events accept mercury-added lamps and measurement devices; check with your municipality to see whether an event has been scheduled for your community.

Who does the disposal prohibition apply to?

The law applies to everyone, even households. It prohibits any person, household, business, school, healthcare facility or state or municipal government from knowingly disposing of a mercury-added product. The law also prohibits any solid waste collector from collecting as solid waste the contents of a solid waste container that the collector knows (or reasonably should know) includes one or more mercury-added products.

When does the disposal prohibition go into effect?

The effective date established by the statute is May 1, 2008. MassDEP expects draft regulations to be available for public hearings and public comment in Spring 2008.

Does the prohibition cover flat panel TVs?

Yes, most electronic devices with flat display screens are backlit by a fluorescent lamp (all fluorescent lamps contain mercury). Electronics recyclers will need to remove this lamp and recycle it as universal waste or manage it as hazardous waste. A municipality should work with its electronics-recycling service provider to ensure that mercury-added components are being removed and recycled or managed as hazardous waste. While the disposal ban does not include devices that do not contain mercury (e.g., cell phones, PDAs or Smart phones with small screens that are lit with light emitting diodes, "LEDs"), MassDEP recommends that these also be recycled at the end of their useful lives.

Will white goods (appliances) need to be handled any differently?

Any mercury-added components must be removed before the appliance is recycled as scrap metal. Mercury-added components can be removed by trained municipal staff, or by a municipality's white good/scrap metal recycling vendor. Some older chest freezers use a mercury tilt switch in the lid to control the inside light. Some gas ovens control temperature using a mercury thermocouple. Mercury-added components that have been removed from an appliance must be managed as universal waste or hazardous waste.

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Do manufacturers of mercury-added products have any responsibility for collection?

The law requires that any manufacturer or importer of a mercury-added product sold or distributed in Massachusetts must submit a collection and recycling plan to MassDEP, and implementation plan. These plans are due to MassDEP on 7/1/08. The following products are exempt from collection plan requirements:

- Button batteries
- Products whose only mercury comes from one or more removable button cell battery
- Products whose only mercury comes from one or more mercury-added lamps (e.g., electronic devices, such as flat panel computer monitors and televisions, with display screens backlit by a fluorescent lamp)
- Mercury-added lamps

Please note that products exempt from the manufacturer's collection plan requirements are still covered by the disposal prohibition.

As a solid waste facility operator, what do I need to know?

All mercury-added products (or their mercury components) accepted at your facility must be recycled as universal waste or managed as hazardous waste. See the table on the first page of this fact sheet for a list of common mercury-added products. MassDEP has issued interim guidance for permitted solid waste facilities about managing specific types of mercury products that may be received at your facility: www.mass.gov/dep/recycle/laws/policies.htm#sw. The interim guidance document, which will be made available for public comment this spring along with draft regulations, outlines the management standards that will need to be incorporated into the facility's operations and maintenance (O&M) plan when the regulation takes effect.

As a solid waste collector or hauler, what do I need to know?

You will need to take appropriate measures to insure that mercury-added products are not *knowingly* collected with solid waste. This may involve establishing a protocol for managing these products and communicating with businesses/residents when a mercury-added product is identified in the trash.

As the operator of a recycling drop-off depot or facility, what do I need to know?

All mercury-added products accepted at your facility must be recycled as universal waste or managed as hazardous waste. See the list of common mercury-added products found in the home (see the table on the first page of this fact sheet). Please note that some appliances, including older model chest freezers and some gas ranges (stoves), have mercury-added components. These must either be removed by facility staff or by the municipality's contracted scrap metal recycler. MassDEP has issued interim guidance for recycling drop-off ("conditionally exempt") facilities on managing specific types of mercury-added products that may be received at your facility: www.mass.gov/dep/recycle/laws/policies.htm#sw. The interim guidance will be made available for public comment this spring along with draft regulations.

As a commercial/municipal generator of mercury-added waste, what do I need to know?

Your business/municipality may already have a process in place for managing hazardous waste and universal waste as required by state hazardous waste regulations. For a list of companies that provide mercury recycling services visit: www.mass.gov/dep/toxics/stypes/hgcycle.htm.

You will need to notify all personnel responsible for replacing fluorescent lighting, (including Compact Fluorescent Lamps or “CFLs”) of your process for recycling lamps. If your business/municipality has not established a collection program, for fluorescent lamps, you will need to do so. All mercury-added lamps, including low mercury “green-cap” lamps, must be recycled.

Are schools affected by the Mercury Law?

Schools are subject to the mercury disposal prohibition and therefore must contract with a licensed mercury recycling vendor to handle spent fluorescent lamps, blood pressure cuffs, and other “end-of-life” mercury-added products (these products may also be handled as hazardous waste at the end of their useful lives, but this is usually more expensive than recycling). In addition, schools are encouraged to replace mercury-added instruments with non-mercury alternatives to eliminate the potential of a costly mercury release should one of these instruments accidentally break. For a list of companies that provide mercury recycling services visit:

www.mass.gov/dep/toxics/stypes/hgcycle.htm.

With the exception of fluorescent lighting, as of October 2006 public schools are prohibited from purchasing mercury-added products or compounds. Resources may be available to fund the recycling and replacement of mercury-added products from schools. Call the Mercury Hotline for more information, (1-866-9-MERCURY). For a list of mercury-added products typically found in schools and their non-mercury alternative visit: www.mass.gov/dep/service/schools.htm#mercury

How is MassDEP helping to implement the disposal prohibition?

MassDEP is offering communities the following assistance to help establish and enhance local collection programs, including:

- Offering mercury collection sheds on the Municipal Sustainability Grant application,
- Partnering with the Thermostat Recycling Corporation (TRC) to provide free recycling of mercury thermostats at all interested municipalities
- Providing free signage for recycling centers, transfer stations or other public venues explaining that it is against the law to put mercury products in the trash.
- Maintaining a statewide listing of all public and private mercury recycling locations to assist the public in finding recycling options, which is available here:

www.mass.gov/dep/toxics/stypes/hgres.htm#dispose

Note: Call the Mercury Hotline to report updated information.

For More Information

- Visit MassDEP’s mercury web page: www.mass.gov/dep/toxics/stypes/hgres.htm
- Contact the Mercury Hotline at 1-866-9-MERCURY.

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