

HOUSE BILL No. 4278

February 17, 2009, Introduced by Reps. Valentine, Liss, Byrnes, Miller, Scripps, Smith, Robert Jones, Roberts and Lisa Brown 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 section 17208.

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
9 state.

1 (C) "MERCURY-ADDED NOVELTY" MEANS A MERCURY-ADDED PRODUCT
2 INTENDED MAINLY FOR PERSONAL OR HOUSEHOLD ENJOYMENT OR ADORNMENT.
3 MERCURY-ADDED NOVELTY INCLUDES AN ITEM INTENDED FOR USE AS A
4 PRACTICAL JOKE, FIGURINE, ADORNMENT, TOY, GAME, CARD, ORNAMENT,
5 YARD STATUE OR FIGURE, CANDLE, JEWELRY, HOLIDAY DECORATION, ITEM OF
6 APPAREL INCLUDING FOOTWEAR, OR SIMILAR PRODUCT.

7 (D) "MERCURY-ADDED PRODUCT" MEANS A PRODUCT, A COMMODITY, OR A
8 CHEMICAL TO WHICH, OR A PRODUCT WITH A COMPONENT TO WHICH, MERCURY
9 OR A MERCURY COMPOUND HAS BEEN INTENTIONALLY ADDED. MERCURY-ADDED
10 PRODUCT MAY INCLUDE, BUT IS NOT LIMITED TO, A LABORATORY CHEMICAL,
11 CLEANING PRODUCT, COSMETIC, PHARMACEUTICAL, COATING MATERIAL,
12 MEASURING DEVICE, LAMP, OR SWITCH. MERCURY-ADDED PRODUCT DOES NOT
13 INCLUDE A BUTTON CELL BATTERY OR A PRODUCT THAT DOES NOT CONTAIN
14 MERCURY EXCEPT WITHIN A BUTTON CELL BATTERY.

15 (E) ~~(e)~~—"Mercury fever thermometer" means a mercury
16 thermometer used for measuring body temperature.

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

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

1 communicating with heating, ventilating, or air-conditioning
2 equipment. Thermostat does not include a product used to control
3 temperature as part of a manufacturing device.

4 SEC. 17208. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,
5 BEGINNING JULY 1, 2010, A MANUFACTURER OF A MERCURY-ADDED PRODUCT
6 SHALL AFFIX TO EACH MERCURY-ADDED PRODUCT INTENDED FOR SALE IN THIS
7 STATE OR FOR USE IN THIS STATE A LABEL THAT MEETS ALL OF THE
8 FOLLOWING REQUIREMENTS, AS APPLICABLE:

9 (A) CONTAINS A STATEMENT USING WORDS OR SYMBOLS, IN A MINIMUM
10 OF 10-POINT FONT TYPE, THAT INFORMS THE PURCHASER OR USER THAT THE
11 PRODUCT CONTAINS MERCURY OR A MERCURY COMPOUND.

12 (B) IS CLEARLY VISIBLE TO THE PURCHASER OR USER BEFORE THE
13 SALE OR USE OF THE PRODUCT. IF THE PRODUCT IS ENCLOSED WITHIN A
14 PACKAGE THAT PREVENTS THE LABEL AFFIXED TO THE PRODUCT FROM BEING
15 CLEARLY VISIBLE BEFORE SALE OR OTHER DISTRIBUTION, THE MANUFACTURER
16 SHALL ALSO AFFIX A LABEL THAT MEETS THE REQUIREMENTS OF THIS
17 SUBSECTION TO THE PACKAGE. THE REQUIREMENT OF THIS SUBDIVISION TO
18 AFFIX A LABEL TO A PACKAGE DOES NOT APPLY TO A MERCURY-ADDED
19 PRODUCT THAT IS A REFRIGERATOR, FREEZER, OVEN, RANGE, WASHER, OR
20 DRYER.

21 (C) IF THE PRODUCT CONSISTS OF MORE THAN 1 COMPONENT THAT
22 CONTAINS MERCURY OR A MERCURY COMPOUND, IS AFFIXED TO EACH
23 COMPONENT THAT CONTAINS MERCURY OR A MERCURY COMPOUND. HOWEVER, THE
24 MANUFACTURER OF A MOTOR VEHICLE MAY COMPLY WITH THIS SUBDIVISION BY
25 AFFIXING A LABEL ON THE DOORPOST THAT LISTS THE COMPONENTS OF THE
26 MOTOR VEHICLE THAT CONTAIN MERCURY OR A MERCURY COMPOUND.

27 (D) IS SUFFICIENTLY DURABLE TO REMAIN LEGIBLE FOR THE USEFUL

1 LIFE OF THE PRODUCT.

2 (E) USING WORDS OR SYMBOLS, INFORMS THE PURCHASER OR USER THAT
3 THE PRODUCT SHOULD NOT BE DISPOSED OF OR PLACED IN A WASTE STREAM
4 THAT IS DESTINED FOR DISPOSAL IN A LANDFILL OR INCINERATOR.

5 (2) A MANUFACTURER OF A MERCURY-ADDED PRODUCT IS IN COMPLIANCE
6 WITH THIS SECTION IF THE MANUFACTURER IS IN COMPLIANCE WITH THE
7 MERCURY LABELING REQUIREMENTS OF ANOTHER STATE THAT HAS A MERCURY
8 LABELING REQUIREMENT APPLICABLE TO THE MERCURY-ADDED PRODUCT AND
9 THE STATE IS A MEMBER OF THE INTERSTATE MERCURY EDUCATION AND
10 REDUCTION CLEARINGHOUSE. A MANUFACTURER SHALL PROVIDE DOCUMENTATION
11 OF ITS COMPLIANCE WITH THE LABELING REQUIREMENTS OF ANOTHER STATE
12 TO THE DEPARTMENT UPON REQUEST.

13 (3) IF A PERSON OFFERS A MERCURY-ADDED PRODUCT FOR FINAL SALE
14 OR OTHER DISTRIBUTION TO AN ADDRESS IN THIS STATE UNDER
15 CIRCUMSTANCES IN WHICH THE PURCHASER OR RECIPIENT IS NOT ABLE TO
16 VIEW THE LABELS REQUIRED UNDER THIS SECTION ON THE PRODUCT OR THE
17 PACKAGE BEFORE THE PURCHASE OR RECEIPT, INCLUDING, BUT NOT LIMITED
18 TO, CATALOGUE, TELEPHONE, AND INTERNET SALES OR PROMOTIONAL
19 TRANSACTIONS, THE PERSON SHALL CLEARLY ADVISE THE PURCHASER OR
20 RECIPIENT AT THE POINT OF SALE OR OTHER DISTRIBUTION THAT THE
21 PRODUCT CONTAINS MERCURY OR A MERCURY COMPOUND.