

## Mercury Thermostat Collection Act of 2008

### Manufacturer requirements:

- On or before March 1, 2009, a manufacturer, or a group of manufacturers operating a program, shall present to the department a survey plan and methodology for a survey to provide statistically valid data on the number of mercury-added thermostats that become waste annually in California. The manufacturer or group of manufacturers shall complete the survey by December 1, 2009, and shall present all survey data to the department by December 31, 2009.
- A manufacturer may establish a collection and recycling program for out-of-service mercury-added thermostats individually or collectively with other manufacturers.
- A manufacturer, or a group of manufacturers operating a program collectively, may contract with a retailer for in-store or out-of-store collection of out-of-service mercury-added thermostats.
- Each manufacturer shall individually, or collectively with other manufacturers, do all of the following:
  - (1) Collect, handle, and arrange for the appropriate management of out-of-service mercury-added thermostats in compliance with the regulations adopted.
  - (2) **On and after July 1, 2009**, provide collection bins for out-of-service mercury-added thermostat collection to wholesalers at a cost not to exceed twenty-five dollars (\$25).
  - (3) **On and after July 1, 2009**, make collection bins available at no cost for out-of-service mercury-added thermostats to any local governmental agency that requests a collection bin for use at household hazardous waste collection facilities or household hazardous waste events.
  - (4) Either arrange for pick up of the collection bins, or pay for the costs of shipping the collection bins from wholesalers or household hazardous waste collection facilities or household hazardous waste events for proper handling and recycling.
- **From July 1, 2009 to December 31, 2011**, undertake education and outreach efforts, including, but not limited to, all of the following:
  - (1) A public service announcement promoting the proper management of out-of-service mercury-added thermostats. Copies of the public service

announcement shall be provided to the Department (DTSC) and the California Integrated Waste Management Board for their use and promotion.

- (2) The establishment of a public Internet Web site. Templates of educational materials shall be posted on the Internet Website that are in a form and format that can be easily downloaded. A link to the Internet Web site shall be provided to the department and the California Integrated Waste Management Board.
  - (3) Methods used to engage other stakeholders such as waste, demolition, heating, ventilation, and air-conditioning organizations, as well as appropriate state agencies and local governments to secure support and participation to encourage the proper management of out-of-service mercury-added thermostats throughout California.
  - (4) Strategies to work with California utilities participating in demand response programs involving the replacement of thermostats to encourage their participation in the collection and proper management of out-of-service mercury-added thermostats. These strategies may include the inclusion of an educational insert in their customers' utility bills.
  - (5) Contacting wholesalers in California and encouraging their support and participation in educating their customers on the proper management of out-of-service mercury-added thermostats.
  - (6) Strategies used to encourage support and participation by retailers and other outlets to educate consumers on the proper management of out-of-service mercury-added thermostats.
- **On or before July 1, 2009**, develop, and update as necessary, educational and other outreach materials aimed at heating, ventilation, and air-conditioning contractors, demolition contractors, and their associations, municipal utility districts, and homeowners. Those materials shall be made available to participating retailers, all wholesalers, and household hazardous waste programs. These materials shall include, but are not limited to, one or more of the following:
    - (1) Signage that is prominently displayed and easily visible to the consumer and contractors.
    - (2) Written materials and templates of materials for reproduction by retailers and wholesalers to be provided to the consumer at the time of purchase, delivery, or both purchase and delivery of a thermostat. The materials shall include information on the prohibition of improper disposal of

mercury-added thermostats, the proper management of out-of-service mercury-added thermostats, and the locations of collection opportunities.

- (3) Advertising or other promotional material, or both that include references to the collection opportunities.
  - (4) Materials to be used in direct communications with the consumer and contractor at the time of purchase.
- Provide incentives and education to contractors, service technicians, and homeowners to encourage the return of out-of-service mercury-added thermostats to established collection locations.
  - Encourage the purchase of programmable thermostats that comply with Part 6 (commencing with Section 100) of Title 24 of the California Building Standards Code and that qualify for the Energy Star program of the federal Environmental Protection Agency, as replacements for mercury-added thermostats.
  - On or before **April 1, 2010, and on or before April 1 annually thereafter**, submit an annual report to the department covering the **one-year period ending December 31st of the previous calendar year**. Each report shall be posted on the manufacturer's or program's Internet Web site. The annual report shall include all of the following:
    - (1) The number of out-of-service mercury-added thermostats collected in California during the previous calendar year.
    - (2) The estimated total amount of mercury contained in the collected out-of-service mercury-added thermostats.
    - (3) An evaluation of the effectiveness of the program.
    - (4) Commencing with the report **due April 1, 2013**, a comparison to the performance requirements for collection established according to regulations developed by DTSC.
    - (5) An accounting of the program administrative costs, including a copy of Internal Revenue Service Form 990 for a nonprofit organization's program. For a non-profit organization's program, the manufacturer, or group of manufacturers operating a program, shall submit independently audited financial statements detailing revenues and a full accounting of administrative costs incurred.
    - (6) A description of the outreach strategies employed to increase participation and collection rates.

- (7) Examples of outreach and educational materials used.
- (8) Names and locations of all participating collection locations.
- (9) The number of out-of-service mercury-added thermostats collected at each collection location.
- (10) The Internet Web site address where the annual report may be viewed online.
- (11) A description of how the collected out-of-service mercury-added thermostats were managed.
- (12) Modifications that the manufacturer is proposing to make in its collection and recycling program.