

# HOUSE BILL No. 6485

September 18, 2008, Introduced by Reps. Valentine, Byrnes, Warren, Vagnozzi, Alma Smith, Meadows, Donigan, Bauer, Miller, Tobocman, Sak, Coulouris and Condino 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

1 state.

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

8 (D) "MERCURY-ADDED PRODUCT" MEANS A PRODUCT, A COMMODITY, A  
9 CHEMICAL, OR A PRODUCT WITH A COMPONENT THAT CONTAINS MERCURY OR A  
10 MERCURY COMPOUND INTENTIONALLY ADDED TO THE PRODUCT, COMMODITY,  
11 CHEMICAL, OR COMPONENT IN ORDER TO PROVIDE A SPECIFIC  
12 CHARACTERISTIC, APPEARANCE, OR QUALITY, OR TO PERFORM A SPECIFIC  
13 FUNCTION, OR FOR ANY OTHER REASON. MERCURY-ADDED PRODUCT INCLUDES,  
14 BUT IS NOT LIMITED TO, LABORATORY CHEMICALS, CLEANING PRODUCTS,  
15 COSMETICS, PHARMACEUTICALS, COATING MATERIALS, MEASURING DEVICES,  
16 LAMPS, AND SWITCHES THAT CONTAIN MERCURY OR A MERCURY COMPOUND THAT  
17 HAS BEEN INTENTIONALLY ADDED. MERCURY-ADDED PRODUCT DOES NOT  
18 INCLUDE A BUTTON CELL BATTERY OR A PRODUCT IN WHICH THE ONLY  
19 MERCURY CONTAINED IS WITHIN A BUTTON CELL BATTERY.

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

22 (F) ~~(d)~~—"Mercury thermometer" means a product or component,  
23 other than a dry cell battery, of a product used for measuring  
24 temperature that contains mercury or a mercury compound  
25 intentionally added to the product or component. Mercury  
26 thermometer does not include a product or component of a product  
27 that is used as a replacement for an existing thermometer that

measures temperature as part of a manufacturing process.

(G) ~~(e)~~—"Thermostat" means a consumer product that uses a switch that contains mercury or a mercury compound to sense and control room temperature, including room temperature in residential, commercial, industrial, and other buildings, by communicating with heating, ventilating, or air-conditioning equipment. Thermostat does not include a product used to control temperature as part of a manufacturing device.

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

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

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

(C) IF THE PRODUCT CONSISTS OF MORE THAN 1 COMPONENT THAT CONTAINS MERCURY OR A MERCURY COMPOUND, ARE AFFIXED TO EACH

1 COMPONENT THAT CONTAINS MERCURY OR A MERCURY COMPOUND. HOWEVER, THE  
2 MANUFACTURER OF A MOTOR VEHICLE MAY COMPLY WITH THIS SUBDIVISION BY  
3 AFFIXING A LABEL ON THE DOORPOST THAT LISTS THE COMPONENTS OF THAT  
4 MOTOR VEHICLE THAT CONTAIN MERCURY OR A MERCURY COMPOUND.

5 (D) ARE CONSTRUCTED OF MATERIALS THAT ARE SUFFICIENTLY DURABLE  
6 TO REMAIN LEGIBLE FOR THE USEFUL LIFE OF THE PRODUCT.

7 (E) USING WORDS OR SYMBOLS, INFORM THE PURCHASER OR USER THAT  
8 THE PRODUCT SHOULD NOT BE DISPOSED OF OR PLACED IN A WASTE STREAM  
9 THAT IS DESTINED FOR DISPOSAL IN A LANDFILL OR INCINERATOR.

10 (2) A MANUFACTURER OF A MERCURY-ADDED PRODUCT IS IN COMPLIANCE  
11 WITH THIS SECTION IF THE MANUFACTURER IS IN COMPLIANCE WITH THE  
12 LABELING REQUIREMENTS OF ANOTHER STATE THAT HAS LABELING  
13 REQUIREMENTS ON THOSE PRODUCTS AND THE STATE IS A MEMBER OF THE  
14 INTERSTATE MERCURY EDUCATION AND REDUCTION CLEARINGHOUSE. A  
15 MANUFACTURER SHALL PROVIDE DOCUMENTATION OF ITS COMPLIANCE WITH THE  
16 LABELING REQUIREMENTS OF ANOTHER STATE TO THE DEPARTMENT UPON  
17 REQUEST.

18 (3) A PERSON THAT OFFERS A MERCURY-ADDED PRODUCT FOR FINAL  
19 SALE OR OTHER DISTRIBUTION TO AN ADDRESS IN THIS STATE SHALL  
20 CLEARLY ADVISE THE PURCHASER OR RECIPIENT AT THE POINT OF SALE OR  
21 OTHER DISTRIBUTION THAT THE PRODUCT CONTAINS MERCURY OR A MERCURY  
22 COMPOUND. THIS SUBSECTION APPLIES TO ALL TRANSACTIONS IN WHICH THE  
23 PURCHASER OR RECIPIENT IS NOT ABLE TO VIEW THE LABELS REQUIRED  
24 UNDER THIS SECTION ON THE PRODUCT OR THE PACKAGE PRIOR TO THE  
25 PURCHASE OR RECEIPT, INCLUDING, BUT NOT LIMITED TO, CATALOGUE,  
26 TELEPHONE, AND INTERNET SALES OR PROMOTIONAL TRANSACTIONS.