

Public Notice

The mission of DTSC is to protect California's people and environment from harmful effects of toxic substances through the restoration of contaminated resources, enforcement, regulation and pollution prevention.

INVITATION FOR PUBLIC COMMENT Mercury Thermostat Collection Program Manufacturers' Plan for Program Improvements

Comment Period: October 5 – October 19, 2015

The Department of Toxic Substances Control (DTSC) invites the public and interested stakeholders to review and comment on the "Respondents' Plan for Compliance," which is to be included in a Consent Order being negotiated between DTSC and the manufacturers of thermostats containing mercury.

The Mercury Thermostat Collection Act of 2008 requires manufacturers that own or once owned a name brand of mercury-containing thermostats sold in the state prior to 2006 (the year the sale of mercury containing thermostats was banned in California) to establish a program to collect and recycle the mercury containing thermostats. The manufacturers used the Thermostat Recycling Corporation, or TRC, to carry out their collection responsibilities. DTSC recently adopted regulations entitled Mercury Thermostat Collection and Performance Requirements. The regulations established annual performance requirements for the collection of mercury-containing thermostats that are becoming wastes each year.

Since the effective date of the regulations, the manufacturers, through TRC, have been unsuccessful in collecting the required out-of-service mercury-added thermostats for 2013 and 2014. TRC has indicated that the number of thermostats it has collected for 2015 is similar to what was collected in 2014. DTSC has issued Summaries of Violation to the manufacturers for not meeting the regulatory collection requirements in 2013 and 2014, and has entered into negotiations with the manufacturers to resolve those violations. Upon conclusion of these negotiations, it is anticipated that DTSC will enter into a Consent Order with the thermostat manufacturers.

The draft Consent Order being negotiated with the manufacturers includes provisions for the manufacturers to implement program improvements through a series of plans that must be approved by DTSC. The program improvements in the draft Consent Order are intended not only to improve the performance of the manufacturers' program and increase the number of thermostats collected, but also to produce additional data and information that the manufacturers can use to guide the modification and operation of their program in the future.

The actions the manufacturers are committing to perform are found in the section of the consent order entitled "Respondents' Plan for Compliance." Based on the level of stakeholder interest in the collection of mercury containing thermostats observed by DTSC during the adoption of the Mercury Thermostat Collection and Performance Requirements, DTSC is seeking feedback and input on the terms of the agreement in the Respondents' Plan for Compliance.

Relevant Documents:

- Draft Respondents' Plan for Compliance
- Definitions of terms and relevant information referenced within the Draft Respondents' Plan for Compliance
- Mercury Thermostat Collection Act of 2008
- Mercury Thermostat Collection and Performance Requirements

HOW TO SUBMIT COMMENTS: Please submit all written comments by email no later than 9:00 A.M. on October 19, 2015 to:

E-mail address: Thermostats@dtsc.ca.gov

The terms of the agreement in the Respondents' Plan for Compliance in the draft Consent Order have not yet been finalized, and may be further modified based on the public and stakeholder feedback that DTSC receives and on further negotiations with the thermostat manufacturers. Approval of the Consent Order, including Respondents' Plan for Compliance, must also be obtained from senior management of each manufacturer that is a party to the order. DTSC will consider all comments and feedback submitted. For additional information or for questions, you can refer to DTSC's website at: <http://www.dtsc.ca.gov/hazardouswaste/ThermostatCompliance.cfm>, or you contact Renee Avila at Renee.Avila@dtsc.ca.gov.

