

MERCURY THERMOSTAT COLLECTION ACT REQUIREMENTS

MANUFACTURERS

On or before **March 1, 2009**, a manufacturer (or group) are required to present a survey plan and methodology for a survey on the number of mercury-added thermostats that become waste annually in California.

- Survey completed by **December 1, 2009**.
- All survey data to be presented to the department by **December 31, 2009**.
- Manufacturers establish a collection and recycling program.
- Manufacturers operating program collectively contract with a retailer for in-store or out-of-store collection.
- Each manufacturer shall (individually or collectively) do all of the following:
 1. Collect, handle, and arrange for the appropriate management of out-of- service mercury-added thermostats in compliance with regulations.
 2. On and after **July 1, 2009**, provide collection bins 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 to local governmental agencies.
 4. Either arrange for pick up or pay for costs to ship bins 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.
2. The establishment of a public Internet Web site.
3. Engage other stakeholders (waste, demolition, heating, ventilation, and HVAC organizations, and state agencies, local governments).
4. Work with California utilities in program participation.
5. Work with wholesalers, retailers and other outlets on consumer education.

On or before April 1, 2010, and on or before April 1 annually thereafter, submit an annual report to DTSC including:

1. The number of out-of-service mercury-added thermostats collected in California (previous year)
2. The estimated total amount of mercury contained in them.
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 (regulations developed by DTSC).
5. An accounting of the program administrative costs, including a copy of IRS Form 990.
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 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.

Wholesalers

“Wholesaler” means a person engaged in the distribution and wholesale selling of heating, ventilation, and air-conditioning components to contractors who install heating, ventilation, and air-conditioning components, and whose total wholesale sales account for 80 percent or more of total sales:

- Acts as a collection location for out-of-service mercury-added thermostats;
- Monitor the department’s Internet Web site to determine if the sale of a manufacturer’s thermostats is in compliance with this section;
- Include with the sale of the new thermostat, an Internet Web site address and toll-free telephone number with instructions on obtaining a prepaid mail-in label that a consumer may use to send an out-of-service mercury-added thermostat to a collection location;
- Support and participate with manufacturers; and

- Receive from Manufacturers educational and other outreach materials.

Retailers

“Retailer” means a person who sells thermostats of any kind directly to a consumer through a selling or distribution mechanism, including, but not limited to, a sale using catalogs or the Internet.

- A retailer may be a wholesaler if the person meets the definition of a wholesaler as defined in law.
- A retailer (or a wholesaler) that distributes or sells mercury-added thermostats shall monitor the department’s Internet Web site to determine if the sale of a manufacturer’s thermostats is in compliance with the law.
- A retailer or wholesaler that distributes new thermostats by mail to buyers in the state shall include with the sale of the new thermostat, an Internet web site address and toll-free telephone number with instructions on obtaining a prepaid mail-in label that a consumer may use to send an out-of-service mercury-added thermostat to a collection location.
- A retailer that is also a wholesaler would need to comply with the wholesaler requirements.

Construction and Demolition Professionals

Contractors who install heating, ventilation, and air-conditioning components are required to:

- Handle and transport out-of-service mercury-added thermostats in accordance with the Universal Waste Regulations found in CA Code of Regulations, Title 22, Chapter 23.
- Take out-of-service mercury-added thermostats to a collection location that is operated in accordance with Universal Waste Regulations.

Persons engaged in building demolition are required to:

- Remove out-of-service mercury-added thermostats prior to demolition in accordance with all applicable California regulations.
- Handle and transport out-of-service mercury-added thermostats in accordance with the Universal Waste Regulations found in CA Code of Regulations, Title 22, Chapter 23.
- Take out-of-service mercury-added thermostats to a collection location that is operated in accordance with Universal Waste Regulations professionals to properly remove and dispose of out-of-service mercury-added thermostats.

DTSC and (DTSC Stakeholders)

- May order a manufacturer, or a group of manufacturers operating a program, to revise its program and to undertake actions to comply.
- Will provide a notice on its Internet Web site listing manufacturers that are not in compliance with the **Act on July 1, 2009** and will update this listing every **January 1 and July 1 thereafter**.
- **On or before April 1, 2010 and on or before April 1 annually** thereafter receive an annual report from the manufacturer covering the one-year period ending **December 31st** of the previous calendar year.
- On or before **January 1, 2012**, the department will adopt regulations to:
 1. Develop performance requirements that specify collection rates expressed as a percentage of out-of-service mercury-added thermostats becoming waste annually.
 2. Establish a methodology for the calculation of the number of out-of-service mercury-added thermostats becoming waste annually.
- Receive copies of the public service announcements from the manufacturers for use and promotion.

DTSC Outreach Efforts

2008

- Contacted Manufacturers
- Manufacturers Letters (3 sets)
- Assisted Manufacturers in determining the applicability of AB2347
- Web page made available to Manufacturers, Wholesalers, Retailers, Construction and Demolition Professionals

2009

- Team formation
- Web search for information on survey tools and literature
- Research and communication on survey
- Responses to PRA requests from sponsors, NGOs, and other stakeholders posted
- Ongoing communications with sponsors, manufacturers & other stake holders, PSI, and other states
- Developed and posted fact sheet and distributed it to CPSC and other groups at meetings, trade shoes, training, etc.
- Distributed electronic flyer using CalRecycle contacts
- Mailed 250+ postcards to HHW collection facilities
- Distributed 200+ postcards at meetings and workshops

- Responses to FAQ's from stakeholders, HHWs, and other public inquiries posted to web
- Held stakeholders workshop August 26, 2009
- Developed and distributed Construction and Demolition Flyer and Factsheet

2010

- Posted information on CA Energy Commission Web site ("HVAC changeout" web page)
- Facilitated collaboration between manufacturer and HHW contact for CA and CPSC to improve outreach
- Mailed 1,200+ letters to Construction and Demolition professionals and wholesalers
- Sent informational materials through CSLB List
- Provided articles for newsletters from ACCA and CEC
- Distributed education and outreach materials at HHW facilities, CUPA conferences, trade shows, and seminars/workshops
- Working on approved contract with PSI on contracting survey for CA specific data
- Public Notice Workshop: August 24, 2010
- Video explaining removal and management of thermostats for trade schools/techs (in process)

2011

- Manufacturer Training on Regulations late 2011