

Assembly Bill No. 1369

Passed the Assembly August 27, 2004

Chief Clerk of the Assembly

Passed the Senate August 23, 2004

Secretary of the Senate

This bill was received by the Governor this _____ day of
_____, 2004, at _____ o'clock __M.

Private Secretary of the Governor



CHAPTER _____

An act to add Article 10.2.1(commencing with Section 25214.8.1) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1369, Pavley. Mercury-added thermostats.

(1) Existing law, the California Mercury Reduction Act of 2001, requires any mercury-containing vehicle light switch that is removed from a vehicle to be subject to the regulations adopted by the Department of Toxic Substances Control regarding the management of universal waste. Existing law prohibits any person, except as specified, from selling at retail or supplying a mercury fever thermometer to a consumer or patient in the state, except by a prescription. Existing law also prohibits any person from manufacturing, offering for sale or use, or distributing for promotional purposes in this state a mercury-added novelty. A violation of the hazardous waste control laws is a crime.

This bill would prohibit, on and after January 1, 2006, a person from selling, offering to sell, or distributing for promotional purposes, in this state, a mercury-added thermostat, as defined, unless the mercury-added thermostat meets specified criteria.

Since the requirements imposed by the bill would be a crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Article 10.2.1(commencing with Section 25214.8.1) is added to Chapter 6.5 of Division 20 of the Health and Safety Code, to read:



Article 10.2.1. Mercury-Added Thermostats

25214.8.1. (a) The Legislature finds and declares all of the following:

(1) Once mercury is released into the environment it can change to methyl mercury, a highly toxic compound. Methyl mercury is easily taken up in living tissue and bioaccumulates over time, causing serious health effects, including neurological and reproductive disorders in humans and wildlife. Since mercury does not break down in the environment, it has become a significant health threat to humans and wildlife.

(2) Due to the bioaccumulation of mercury and other contaminants in fish, the California Environmental Protection Agency has issued a warning advising that adults and women who are pregnant or who may become pregnant should limit their fish intake from several state waterways.

(3) Increasingly stringent mercury discharge limits for wastewater treatment plants make the identification and elimination of unnecessary sources of mercury a critical task, because the cost of mercury removal at a wastewater treatment plant is far greater than the societal benefits of continuing use of mercury containing products, as currently formulated.

(4) Thermostats are among the largest remaining sources of mercury in consumer products that can be legally sold in California.

(5) Most thermostats contain 3,000 milligrams of mercury and have a 35-year lifespan.

(6) Mercury thermostats are hazardous waste when discarded, and on and after January 1, 2006, all mercury thermostat wastes will be prohibited from disposal in a solid waste landfill under the regulations adopted pursuant to this chapter.

(7) Economical alternatives to mercury thermostats are available for commercial and residential applications.

(b) For purposes of this article “mercury-added thermostat” means a product or device that uses a mercury switch to sense and control room temperature through communication with heating, ventilating, or air-conditioning equipment. A mercury-added thermostat includes thermostats used to sense and control room temperature in residential, commercial, industrial, and other



buildings but does not include a thermostat used to sense and control temperature as part of a manufacturing process.

25214.8.2. On and after January 1, 2006, a person shall not sell, offer to sell, or distribute for promotional purposes in this state, a mercury-added thermostat, unless the mercury-added thermostat meets either of the following criteria:

(a) The thermostat will be used for manufacturing or industrial purposes.

(b) The thermostat will be used by a blind or visually impaired person.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



Approved _____, 2004

Governor

