

Summary of ESHB 2246

as passed by the Washington State Legislature on March 7, 2014



ESHB 2246 will allow our state's stewardship law to be implemented with adequate financing to increase the safe collection and recycling of fluorescent bulbs and tubes containing toxic mercury. The legislation is a negotiated agreement between stakeholders - including the National Electrical Manufacturers Association, the Department of Ecology, local governments, and environmental organizations - to address the financing of our state's 2010 Mercury-containing Lights Stewardship Law, and resolve the lighting industry's lawsuit against the state.

Authorizes lighting producers to add an environmental handling charge to the price of mercury lights sold at retail in our state to finance a statewide stewardship program.

A stewardship organization representing lighting producers will propose the amount of the environmental handling charge, which will be reviewed and approved by WA Ecology. The charge must be added to the purchase price of mercury lights sold at retail, but the bill does not require that the charge is visible at point of sale. Stewardship organizations must submit annual reports to WA Ecology, including an independent financial audit detailing revenues generated through the charge and program expenses.

Each lighting producer is responsible for ensuring the environmental handling charge is remitted to a stewardship organization for their mercury lights sold at retail in the state.

The bill allows two options for how the environmental handling charge is collected:

1. producers add the charge to the purchase price of their lamps and remit the charge to the stewardship organization, or
2. a retailer forms a voluntary binding agreement with a producer to add the charge to the purchase price of the lamp and remit the charge to the stewardship organization on the producer's behalf. Producers may not require or force retailers to do this.

[In a similar stewardship program in B.C., paid for by lighting producers, the charge included in the product price was 15 cents per CFL and 80 cents for a 4 foot fluorescent tube, in 2013.]

With this legislation and the existing statute (70.275 RCW), the stewardship program(s) is required to:

- Arrange for a system of collection sites across the state for mercury-containing bulbs and tubes, at a minimum providing service in every county and in every city with population greater than 10,000. Collection locations may include government facilities, retail stores, charities, private businesses, etc. No one is required to participate as a collector.
- Promote the safe handling and recycling of mercury lights, including educating consumers that a charge has been added to the price of the lamps for the recycling cost.
- Pay for costs of packaging and shipping materials at collection locations, educational materials, transportation, lamp processing, and a public education campaign. Payments or incentives may be offered to collectors.

Sets a 2025 sunset date for the stewardship program(s); however there will be a JLARC (Joint Legislative Audit and Review Committee) review in the prior year to assess whether the stewardship program(s) should be continued.

Product stewardship program(s) for mercury lights must be fully implemented by January 1, 2015. Stewardship plan(s) are due to WA Ecology by June 1st of the year prior to implementation.